



Workforce Planning	
Redeployment Policy	
Summary	This policy defines 'redeployment' as 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 Boards determine that redeployment may be appropriate.
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Introduction

1. NHS Health Scotland (NHS HS) recognises that employees who are affected by change, i.e. when they are unable to continue in their previous post by reason of organisational change, ill health or other circumstances e.g. employee capability or disciplinary outcome should have the opportunity to secure suitable alternative employment, where available, either within NHS HS or where possible within the wider NHS, in order for NHS Scotland to retain valuable skills, experience and knowledge.
2. Where employees are affected by change, NHS HS will actively seek suitable alternative employment for them within NHS HS and the wider NHS Scotland where inter-board agreements exist or wherever possible, to support staff in their search for suitable alternative employment.
3. NHS HS will also, as part of the wider NHS Scotland family, seek to offer employment to other NHS Scotland employees whose employment is affected by change. However, NHS Health Scotland's priority will be to focus on ensuring ongoing employment via redeployment of its own staff.
4. The purpose of redeployment principally is to support the successful implementation of change introduced to develop services, improve efficiencies, reduce costs, provide savings and support the retention of skilled staff in other circumstances e.g. ill health, grievances, employee conduct matters or circumstances leading to displacement.
5. This policy will also be adopted in respect of supporting NHS HS staff employed on a fixed term contract by ensuring placement on the Redeployment Register in line with substantive employees.

Definitions

6. The Partnership Information Network (PIN) Policy 2014 defines redeployment as follows:
7. 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. This is not an exhaustive list.
8. 'Displaced' means that there is no longer a need for a post; or, that the particular skills and/or experience of a post holder are no longer required (e.g. changes to a post due to the introduction of new technology); or, that the employee is unable to undertake the duties of the post (e.g. for disability/health reasons).

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Principles

9. The principles upon which this policy is based are that it:
- a) Complies with the relevant statutory framework including the Equality Act 2010, Equal Opportunities and Agenda for Change (AfC).
 - b) Is consistent with the nationally agreed PIN policies 'Redeployment', Embracing Equality, Use of Fixed Term Contracts and Safer Pre and Post-employment Checks.
 - c) Applies fairly and consistently to all employees within NHS HS.
 - d) Is consistent with the principle of partnership working, with Trade Unions being involved at the earliest opportunity in circumstances relating to organisational change.
 - e) Provides for employees who are suitable for redeployment and who meet the minimum criteria for the post, to be guaranteed an interview for the post.
 - f) Provides for employees affected by change to have preferential consideration for suitable posts.
 - g) Requires that line managers who turn down an employee for a redeployed post to provide, in writing, justifiable and defensible reasons.
 - h) Recognises that employees may require some training and development to enable them to take a redeployed post. It is normally expected that such training could be completed within three months for redeployment to be considered a viable option.
 - i) Provides for the possibility of temporary deployment until a more permanent redeployment arrangement becomes possible.
 - j) Provides for the temporary filling of a vacancy until an employee suitable for employment becomes available.
 - k) Provides for the application of excess travel and relocation expenses arrangements in line with (AfC) provisions where they will assist redeployment.
 - l) Provides for the application of protection arrangements in accordance with the NHS HS Organisational Change policy.
 - m) Uses the Knowledge and Skills Framework (KSF) matching process to try and match individuals to posts regardless of the grade comparison, i.e. that it may be deemed that suitable alternative employment may be a one-step AfC band difference.

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Roles and Responsibilities

Managers of Displaced Staff

10. Managers of displaced employees will:

- a) 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;
- b) Ensure that displaced employees are made aware of their rights and responsibilities under this policy, and that they comply with those responsibilities;
- c) Ensure that they are fully aware of and comply with their own responsibilities under the local 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,
- d) Ensure that they seek advice from HR (and HR redeployment coordinator) where necessary and appropriate when dealing with redeployment issues.

Managers Recruiting to a Vacancy

11. Managers recruiting to a vacancy will:

- a) Ensure that they are fully aware of and comply with their responsibilities under the local 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,
- b) Provide written substantiated and defensible reasons for non-appointment of a displaced employee.
- c) Ensure that they seek advice from the HR redeployment coordinator where necessary and appropriate when dealing with redeployment issues.

Displaced Employees

12. Displaced Employees will:

- a) Ensure that they are aware of both their rights and responsibilities under the local policy, and that they seek further guidance if unclear;

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- b) Ensure that they fully engage with the redeployment process, particularly with regard to any potentially suitable alternative roles to which they are matched;
- c) Ensure that they fully engage with any relevant training and development programmes that are integral to any role that they subsequently accept; and
- d) 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.

Note: Additional support may be also be sourced via the Occupational Health Service (OHS) as required and in cases of ill health.

HR team

13. The HR team will:

- a) Advise and support managers and staff on the correct implementation of this policy and matters relating to redeployment.
- b) Provide advice and support on this policy for managers and trade unions/professional organisation representatives.
- c) Identify a colleague to undertake the role of redeployment coordinator for NHS HS.
- d) Maintain the Redeployment Register which is a list of employees who are displaced and are actively seeking redeployment.
- e) Advise employees seeking redeployment of potentially suitable vacancies on a regular basis.
- f) Advise managers with vacant posts of any potentially suitable redeployment candidates.
- g) Ensure that care will be taken to eliminate any unlawful discrimination and to promote equality of opportunity in accordance with NHS HS's duty and commitments.
- h) Make displaced employees 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; The recourse for both situations is via the Dealing with Employee Grievances policy.
- i) Ensure displaced employees 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.

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- j) 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.
- k) Ensure that displaced employees have fully completed the Redeployment Referral Form (see Appendix 1).
- l) Liaise with managers recruiting to a vacancy in order to ensure that displaced employees are appropriately matched (see Appendix 1).
- m) Ensure that staff matched to vacancies are appropriately prioritised based on the reason for their displacement (see Appendix 1).
- n) Ensure that refusal by a manager to appoint a displaced employee to an identified potential match is reasonable, compliant with the Equality Act 2010, and stands up to objective scrutiny.
- o) Liaise with key stakeholders on any required employment decisions where redeployment has not proven successful.
- p) Collate appropriate information to inform the monitoring and evaluation of the local policy.

Redeployment Coordinator

14. It is the responsibility of the HR Redeployment Coordinator to:

- a) Support managers and staff in all aspects of redeployment.
- b) Screen vacancies against those staff on the Redeployment Register to ascertain whether posts are deemed to be suitable. The Redeployment Co-ordinator is responsible for providing the Workforce Planning Group (WPG) with regular updates regarding staff numbers and profiles on the Redeployment Register.
- c) Establish and maintain the Redeployment Register and to report on redeployment on a monthly or quarterly basis as appropriate to the Partnership Forum.
- d) Act as an aid to the WPG and corporate committee and management; identifying and notifying relevant service areas of anticipated demand for redeployment opportunities.
- e) Report all requests received for placement on the Redeployment Register whether or not successful to WPG.
- f) Maintain regular contact with NHS HS staff on the Redeployment Register.
- g) Make decisions based on the knowledge, skills and experience as to suitable redeployment opportunities.

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Workforce Planning Group

15. It is the role of the WPG to:

- a) Agree approaches made from other NHS Boards to allow access to non NHS HS staff to the NHS HS Redeployment Register.
- b) Ensure fairness, transparency and equality of access to redeployment within NHS HS and to enable this procedure to be monitored.
- c) The membership of the WPG will be agreed by the Partnership Forum and will normally consist of a representative of each Directorate, trade union representatives, a HR team representative and The Executive Finance and Procurement Manager.
- d) The Chief Executive and Employee Director will oversee the WPG on behalf of the Partnership Forum and act as the final decision maker in the event of WPG decisions being challenged.
- e) To consider and respond to concerns raised by staff denied access to the Redeployment Register.
- f) To work with the Redeployment Coordinator in ensuring appropriate organisational reporting and monitoring are delivered.
- g) Redeployment costs will be monitored and provided on an annual basis to the Partnership Forum ensuring openness and transparency.

Trade Union/Professional Organisation Representatives

At the request of the member representatives are responsible for:

- a) Supporting the employee.
- b) Working with Managers and HR to identify an appropriate solution.

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Partnership Forum

16. The Partnership Forum will:
- a) Sign off of this policy by Joint Chairs of the Partnership Forum.
 - b) Monitor the effectiveness of the policy.
 - c) Approve membership of the WPG who will oversee organisational redeployment matters.

Occupational Health Service

17. Occupational Health will:
- a) Provide timely and comprehensive guidance, where sought as necessary and appropriate, to support the process of identifying suitable alternative employment.

The Board of NHS Health Scotland

18. The Board of NHS Health Scotland will:
- a) Be accountable for ensuring this policy is in place.

Service and Development Planning for Redeployment

19. NHS HS recognises that an effective strategic and integrated delivery planning process is a key prerequisite to successful redeployment, particularly in situations of significant organisational change. This process should include assessing workforce demand in related areas and actively developing and managing staff to take up posts in these areas. Managers and staff should use the PDP and KSF process to identify suitable alternative opportunities and retraining requirements to facilitate their redeployment to other departments or directorates.

Scope of the Policy

20. This policy applies to all affected employees of NHS Health Scotland 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.
21. With regard to organisational change, the decision to designate a member of staff as being displaced and therefore on the Redeployment Register will be taken in partnership with management following either the decision to cease the provision of a service within which the post holder works, or not being appointed in ring-fenced competition arising from changes, e.g. within a small department restructure.

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22. The procedure will not apply to changes associated with the transfer of services from one organisation to another where staff transfer with the service. These circumstances would be expected to be addressed in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 1987 commonly known as TUPE which provide rights and protection for staff as part of the transfer.
23. This procedure will be used for NHS HS staff identified as displaced in terms of the Redeployment PIN (2014) and the HS Organisational Change policy.
24. Being displaced due to organisational change will occur when:
 - a) A service where staff are employed is to be discontinued; and posts held by the staff will no longer exist.
 - b) Following restructuring of services, where there is less and / or different posts within the service, staff have not been appointed to posts in the new structure.

Key Procedural Elements

25. This section sets out the key procedural elements. In the case of employees who are disabled under the Equality Act 2010, where the key procedural elements amount to a provision, criterion or practice which puts the employee at a disadvantage due to his or her disability when compared with non-disabled employees, the employer will make such adjustments to the procedure as are reasonable.
26. As outlined above, whilst this policy applies to all affected employees 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 sections on specific conditions which apply in relation to each of the grounds upon which employees may be displaced.
27. Reference is made within this section to the circumstances in which protection of terms and conditions of employment apply, depending on the grounds upon which an employee has been displaced. 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, if they are a member of the NHSScotland pension scheme, they 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>).
28. 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 posts at the same or lower pay band/grade as the post from which the affected employee was displaced. An exception to this may occur where an employee is disabled under the Equality Act 2010 and is displaced

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from their original post due to their disability. In such circumstances, consideration of higher banded posts may amount to a reasonable adjustment. Consideration will also be given to the Organisational Change policy and procedures including protection.

29. 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. In the case of employees who are disabled under the Equality Act 2010, where the essential criteria required for the role amount to a provision, criterion or practice which puts the employee at a disadvantage due to his or her disability when compared with non-disabled employees, NHS HS will make such adjustments to the role as are reasonable. 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.

Disabled employees

30. 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.

Right to be Accompanied

31. 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 procedure outlined below.

NHS Health Scotland decision making process

32. In order to ensure consistency and fairness to all it has been agreed that all decisions relating to redeployment will be made and overseen by a joint HR/Staff Side panel who will consider the following:
- Decisions on accessing redeployment
 - Confirmation of placement on the redeployment register and review
 - Assess the suitability of matching posts to those on the register and providing rationale for decisions taken
 - Confirming removal from the register and confirmation in post following all due process

Assessment

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30. 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 explore alternative options. The current no compulsory redundancy policy (Scottish Workforce and Staff Governance (SWAG) Secretariat letter 31 March 2015) means that no NHS Board can make compulsorily redundant an employee who is on redeployment due to organisational change.
31. If NHS HS makes an offer of what it considers to be a reasonable alternative post at the same level of pay and offer training and development and this is refused, the individual may want to follow the process outlined in the Dealing with Employee Grievances policy to demonstrate why this is unreasonable.

Access Period

32. Assuming that there is a likelihood of a suitable alternative role arising within a reasonable period, access to redeployment should be limited to three months in the first instance.
33. Following this the position should be reviewed with the option of extending the period of access depending upon whether suitable alternative employment opportunities have arisen or are likely to arise within the immediate period thereafter.
34. HS will be sensitive surrounding the three month access period in circumstances in which it is reasonably determined by either party, following a trial period, that a role is unsuitable, or where an individual has been redeployed on a temporary basis.
35. 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.
36. These meetings will involve advising the displaced employee of their rights and responsibilities under the policy; completion of the Redeployment Referral Form (see Appendix 1, Annex A); 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 Referral Form (Appendix 1, Annex A), the displaced employee should be provided with assistance in its completion.
37. 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

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(if applicable), and during any subsequent trial period. If it is considered that the displaced employee has unreasonably refused a number of suitable alternative employment opportunities to which they have been matched by the Redeployment Co-ordinator, a decision may need to be taken to convene a HR/SS meeting to explore alternative options

38. Displaced staff may be appointed temporarily for developmental purposes or in a holding position, retaining their employment status until a substantive post becomes available.

Matching

39. HS will take steps to ensure that the process of matching displaced employees with potentially suitable alternative employment vacancies is efficiently, effectively and fairly coordinated. This includes compliance with the Equality Act 2010. This will involve the designated redeployment coordinator and HR/SS

40. The process of matching should be undertaken in the case of all displaced employees. 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) 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).
- 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, where 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.
- Consideration of reasonable adjustments, as described in the Key Procedural Elements section of this policy.
- 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 NHS Scotland pension scheme, such employees should have the option not to be matched against vacant posts which do not also attract special class status.

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This option allows the displaced employee to be clear that they may suffer a detriment in this regard.

- The individual's completed Redeployment Referral Form (see Appendix 1) will provide the basis for comparison.
- 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 (see Appendix 1) with involvement of HR/SS.
- 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.

Selection Decisions

41. 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, and that reasonable adjustments are made for disabled employees, as described at Key Procedural Elements of this policy.
42. Subject to agreement with HR, a formal recruitment and 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 (see Appendix 1, Annex C); or
 - Where more than one displaced employee is matched to a vacancy at a particular level of priority (see Appendix 1, Annex D).
43. Any subsequent offer made will be conditional upon all relevant pre-employment checks, as set out within HS policies developed in line with the Safer Pre and Post Employment Checks in NHS Scotland PIN Policy, having been undertaken satisfactorily. The checks required will be the same as those which would otherwise have been required in the case of an existing employee changing roles within the HS as a result of having applied via the normal recruitment process, with the exception that reference will not normally be required in the case of redeployment.
44. Unsuccessful candidates will be given written reasons for non-appointment on request, in line with good employment practice. Managers recruiting to a vacancy must ensure that displaced employees are made aware of this right.

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45. 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.

Trial Periods/Retraining

46. Where displaced employees are appointed to posts via redeployment, a trial period of normally four to six 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 (see Appendix1). An extension may amount to a reasonable adjustment for a disabled employee, depending on the particular circumstances.
47. Employees will retain the pay band/grade of their earlier post during the 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. Trial periods may be extended subject to review which requires the authority of the Director and the Workforce Planning Group and will not normally extend beyond three months in total. Should the trial be extended the employee will be paid at the rate of the new post.
48. 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.
49. If either the new line 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 redeploying line manager or Redeployment Co-ordinator to identify the most appropriate line manager whilst displaced.

Temporary Redeployment

50. 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 e.g. project work or secondment.
51. 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

Specific Conditions - Organisational Change

52. Should a displaced individual elect to move to a lower banded post, when other suitable alternatives are available, pay protection may not apply.
53. There are two types of redeployment which apply in terms of organisational change:

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- a) 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 HS's Management of Organisational Change policy.
- b) 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.

54. In either case, according to current national policy (as originally set out within NHS MEL(1999)7, and then extended by NHS MEL(2000)22 and subsequently NHS HDL(2001)38, employees displaced as a result of organisational change will suffer no detriment to their existing terms and conditions.

55. 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.

56. Separately, and irrespective of the reason for contract, should a situation arise where a fixed-term contract employee becomes displaced from their role as a result of organisational change prior to its agreed point of expiry, the organisation has a duty to explore suitable alternative employment for the remainder of the fixed-term period, during which period, organisational change protection of terms and conditions will apply.

57. In circumstances in which an employee commences a secondment or a career break, but where it is agreed that their substantive post will not be held open for them and, instead, suitable alternative employment will be provided upon their return, the rules detailed above, surrounding protection of earnings, will similarly apply.

Specific Conditions – Capability

58. 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 Management of Employee Capability Policy and the Promoting Attendance Policy.

59. 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.

60. 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

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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.

61. Protection of earnings does not apply to redeployment in the case of capability.

Specific Conditions – Non-renewal of fixed-term contract upon expiry

- 56. In the case of non-renewal of a fixed-term contract, while a legal obligation to explore suitable alternative employment only exists in circumstances where such non-renewal meets the definition of redundancy, this policy goes beyond the legislation requiring that access to redeployment be granted in the case of all instances of non-renewal of a fixed-term contract.
- 57. In this case, in line with the Use of Fixed Term Contracts within HS 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.
- 58. The access period for employees displaced as a result of non-renewal of a fixed term contract will be for a period no less than the contractual notice period, and no more than 3 months, as discussed in the HS Use of Fixed Term Contracts Policy.
- 59. Where the notice period is less than or equal to three months, the access period will run concurrently with the notice period. Where the notice period is greater than three months, the access period will start three months before the contract end date.
- 60. 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. However, given that a role may be secured at any point prior to expiry of the notice period, it may be necessary to extend a fixed-term contract in order to facilitate a trial period (with termination taking effect thereafter if the trial period proves unsuccessful).

III Health Redeployment

- 61. Staff who are displaced and require redeployment due to ill health must follow the same procedure as those displaced due to organisational change. Whilst the redeployment of staff is the preferred option, ill health options must be in line with the other NHS HS policies including Management of Employee Capability procedures and the Promoting Attendance policy.
- 62. The decision to redeploy an individual through ill health will involve an assessment and a report from the Occupational Health Service (OHS) confirming that they are unable to continue in their current post and describing the types of post and activities which they are fit to undertake. This information, with the agreement of the member of staff, will be included when completing the Redeployment Referral Form.

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63. An assessment of proposed new/redeployed role will be undertaken by the OHS provider prior to an offer of appointment being confirmed.
64. Staff identified as displaced through ill health are expected to work with their line manager and the HR team to identify suitable redeployment opportunities. Circumstances will be reviewed on a case-by-case basis. An assessment of the proposed role will be undertaken by the line manager and the HR team with reference to the OHS as necessary prior to an alternative appointment being offered.
65. Where redeployment takes place due to ill health or capability NHS Scotland Managing Organisational Change protection terms and conditions do not apply. Each case will be reviewed individually and may involve consideration of a lower graded post, which will attract an adjustment to terms and conditions.
66. In cases of ill health, this trial period can be extended for up to three months as a reasonable adjustment to support additional training required or in line with the OHS advice and taking account of Equality Act 2010 legislation where appropriate.
67. While protection arrangements do not normally apply to redeployment on grounds of ill-health there may be exceptional circumstances where protection may be agreed on an individual basis for a specific period of time. The decision would rest at a senior management level e.g. CEO and Employee Director.

Other Circumstances

67. Redeployment in other specific circumstances should 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, non-discrimination, and consistency of approach are applied. All requests will be considered jointly by HR/SS who will make recommendations on suitability of redeployment.
68. Such other specific circumstances may include, for example, redeployment to a role with less responsibility as an alternative to dismissal as an outcome in a disciplinary case, or, to another role as a consequence of needing to separate parties as a result of a dignity at work issue although not by way of disciplinary sanction.

National Redeployment outwith NHS Health Scotland

69. Redeployment will normally occur as locally as possible, however it is recognised that national arrangements may be required for staff in posts that have senior/particular skills experience.
70. There is scope, subject to local agreements between boards, for arrangements to be put in place to enable staff to be redeployed between NHS employers throughout Scotland as appropriate.
71. Where redeployment occurs between NHS employers, continuity of service will be unaffected in relation to NHS terms and conditions based on service (e.g. occupational

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sick pay, annual leave). Statutory rights, which might be affected, include entitlement to claim unfair dismissal.

72. Excess travel, and where appropriate, relocation expenses incurred as a result of redeployment, will be reimbursed by the employing organisation in line with the relocation policy in place.

Basis for Evaluation/Indicators of Success

73. HS is responsible for ongoing monitoring to ensure that this policy it is being fairly and consistently applied and that the stated principles and values are being met.

74. In order to gauge how successful this policy has been in operation, baseline criteria will be agreed in partnership.

75. Monitoring application of this policy is essential in order to ensure that its approach avoids discrimination on grounds, for example, of the protected characteristics set out within the Equality Act 2010 and that, in the case of disability, the process is conducive to supporting the identification and implementation of reasonable adjustments when considering suitable alternative employment.

76. In order to do this, HS will need to gather information about the current approach to redeployment. This information gathering can then be repeated after an agreed time span, following the introduction of the policy, to determine improvement or otherwise.

77. A basis for evaluation could include:

a) Feedback from employees and their representatives, for example:

- o Completed Redeployment Process Evaluation Forms (see Appendix 1);
- o Focus groups for affected employees;
- o Exit interviews;
- o Results of local/national staff surveys.

b) Feedback from those with responsibilities for supporting the management of redeployment (i.e. line managers, HR and Occupational Health, and trade union representatives and professional bodies);

c) Workforce information, for example:

- o Number of employees who have been displaced;
- o Proportion of employees who have been displaced by reason;
- o Number of employees successfully redeployed;
- o Timescales for successful redeployment;
- o Number of employees who have not been successfully redeployed;
- o Turnover of employees who have been displaced and successfully redeployed;
- o Costs to the organisation, above what would have been incurred had individuals not been displaced.

78. Other indicators of success can include:

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- a) Awareness by employees that a policy exists and an understanding of how it works;
- b) Managers and employees believing in the policy and feeling comfortable when using it;
- c) Improvements in the approach to redeployment;
- d) Open discussions at local partnership forums about the effectiveness of the policy.

Grievances

79. 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 local policies, the matter should be pursued in line with NHS HS's Dealing with Employee Grievances policy.

Review

80. 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.

Date Policy approved.....

Approved by

Agreed by **Chief Executive**

Agreed by **Staff Side Chair
Partnership Forum**

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Appendix 1

Annex A: Redeployment Referral Form

PERSONAL DETAILS

Title:		Forename:		Surname:	
--------	--	-----------	--	----------	--

Home Address (incl. postcode):	
-----------------------------------	--

Telephone Numbers:	Work:		Home:	
	Mobile:			

Email Address:	
-------------------	--

CURRENT POST

Post:		Pay Band/Grade:	
-------	--	--------------------	--

Department/Division:		Location:	
----------------------	--	-----------	--

Contracted hours of work/week:		Payroll No.:	
--------------------------------	--	--------------	--

Please provide a brief Statement of duties and/or achievements in current post:

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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 day (*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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Appendix 1

DETAILS OF PREVIOUS EMPLOYMENT

Post	Department/Organisation	Brief Description of Duties/Responsibilities

CURRENT TRAVEL ARRANGEMENTS

Current mode of transport to and from	
---------------------------------------	--

work: Distance to and from work:	
----------------------------------	--

Current travel costs per week/month:	
--------------------------------------	--

Do you have a current full driving licence?	Do you have access to a	Do you have a Lease or Crown
Yes/No	Yes/No	Yes/No

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Appendix 1

Please provide a brief list of qualifications

Please provide a brief list of key knowledge, skills and experience

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Appendix 1

EMPLOYMENT OPTIONS

(Please list type of posts you may be interested in, in order of preference)

1.	
----	--

2.	
----	--

3.	
----	--

4.	
----	--

PREFERRED HOURS/SHIFT PATTERN

PREFERRED LOCATION

1.	
----	--

2.	
----	--

3.	
----	--

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Appendix 1

Annex B: Redeployment Process Evaluation Form

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

	Strongly Agree	Agree	Not really	Disagree	Strongly Disagree	Not applicable	Comments
The Process							
I was given sufficient notice of the changes to my job	1	2	3	4	5	6	
The redeployment process was explained clearly to me	1	2	3	4	5	6	
I was given adequate time to deal with the issues relating to redeployment	1	2	3	4	5	6	
I understood the options that were available to me	1	2	3	4	5	6	
I found the one to one interview about my	1	2	3	4	5	6	
I was asked to identify preferred options	1	2	3	4	5	6	
All appropriate posts were brought to my attention	1	2	3	4	5	6	
I understood how to apply for a post during	1	2	3	4	5	6	
I understood how redeployment would affect my terms and conditions	1	2	3	4	5	6	

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	Strongly Agree	Agree	Not really	Disagree	Strongly Disagree	Not applicable	Comments
The protection arrangements were explained clearly to me	1	2	3	4	5	6	
The effect of redeployment on my pension was clearly explained	1	2	3	4	5	6	
I was successful in obtaining my preferred option	1	2	3	4	5	6	
I felt that all employees were treated equally during the	1	2	3	4	5	6	
I received suitable induction into my new post	1	2	3	4	5	6	
Training/re-training was offered to me	1	2	3	4	5	6	
I am satisfied with my new post	1	2	3	4	5	6	
Support							
I was satisfied with the level of support offered by:							
HR	1	2	3	4	5	6	
Trade Unions/Professional Organisations	1	2	3	4	5	6	

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Managers before change	1	2	3	4	5	6	
Managers after change	1	2	3	4	5	6	

	Strongly Agree	Agree	Not really	Disagree	Strongly Disagree	Not applicable	Comments
[Redeployment coordinator or locally determined alternative]	1	2	3	4	5	6	
Occupational Health	1	2	3	4	5	6	
Are there any other comments you would like to make about the redeployment process?							

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Appendix 1

Annex C: 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 (or locally determined alternative) 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 (or locally determined alternative) 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 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.

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.

Annex D: 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.

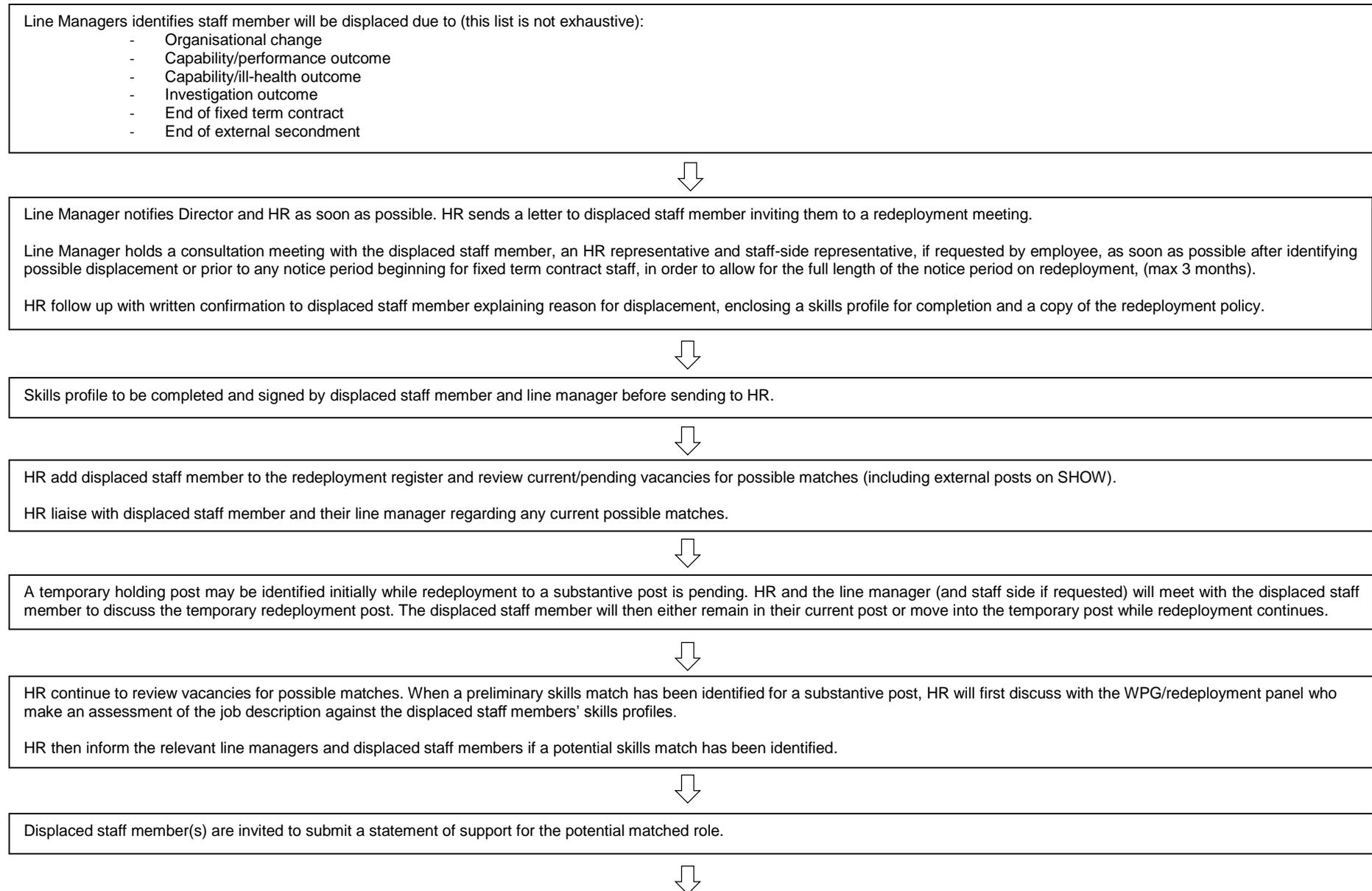
In general terms, the order of prioritisation (from highest to lowest) will be as follows:

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

While the above will be correct in general terms, it will not apply in every case. Boards should take particular care, 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.

Appendix 2

Summary Flow Chart



HR notifies the recruiting manager of the potential skills match identified.



1 displaced staff member matched and to be considered:
HR will pass over the skills profile and a statement of support to the recruiting manager and will arrange an informal meeting for the recruiting manager and displaced staff member.



The recruiting manager carries out an informal meeting with the displaced staff member, HR and a staff-side rep if requested. If both parties feel the post is suitable, and a work-plan and immediate and long term training needs are identified by the recruiting manager and agreed by the displaced staff member, a start date and duration of between 4 and 8 weeks is then decided for the trial period.

Following the meeting, the recruiting manager emails the displaced staff member to confirm the points of meeting and copies in HR. HR then sends written confirmation of the start date and duration of the trial period to the displaced staff member.

Trial period starts.



The recruiting manager will carry out a review meeting with the displaced staff member on completion of the trial period.

Recruiting manager then to inform HR of the outcome using the Trial Period Review form.



If trial period is successful:
HR inform line manager and staff member of success of trial period.

HR complete contractual change form and change to contract letter based on new post starting from date of start of trial period and send a letter to the staff member confirming the start date of the new post along with a copy of the job description.

HR remove staff member's details from the redeployment register.



If trial period is unsuccessful:
The recruiting manager must provide HR with detailed and specific reasons why unsuccessful.

HR confirms in writing to staff member trial period was unsuccessful and provides reasons why.

Displaced staff member remains on redeployment register and the matching process is repeated.



If no suitable alternative employment is found within 3 months or is likely within the immediate future, consideration is then given to ending employment and notification would go to the redeployment panel/WPG.

The displaced staff member can decline the matched alternative post or withdraw during the trial period with acceptable justification and return to the redeployment register. However, not accepting a post which Health Scotland deems to be suitable alternative employment, may remove them from the redeployment register (and may affect their rights (if entitled) to redundancy payments).



More than 1 displaced staff members matched and to be considered:
Consideration is based on prioritisation of displaced staff members as per Annex D.

If there are still multiple displaced staff members to be considered after prioritising, HR will create a shortlisting form and pass to the recruiting manager with the skills profiles and statements of support.

The recruiting manager then carries out competitive interviews to determine the successful candidate.



Successful candidate:
Recruiting manager emails the staff member to agree a start date, trial period length of between 4 to 8 weeks, a work-plan and immediate and long term training needs and copies in HR.

HR then sends written confirmation of the start date and duration of the trial period to the displaced staff member. Trial period starts.



Unsuccessful candidate:
Recruiting manager to contact staff member(s) verbally to inform them they are unsuccessful and provide interview feedback.

HR sends letter to staff member(s) confirming unsuccessful interview and explaining next steps.



Unsuccessful staff members will remain on the redeployment register and the process is repeated for future matched posts.

Redeployment – Trial Period Review Form

Job Title	<input type="text"/>	Job Reference	<input type="text"/>	
Post Holder	<input type="text"/>	Line Manager	<input type="text"/>	
Trial Period	From	<input type="text"/>	To	<input type="text"/>
Date Review Due	<input type="text"/>	Extended Until	<input type="text"/>	

Extension of Trial Period - If the Trial Period is extended please state clear reasons below and attach an agreed Action or Training Plan to this document.

Signed – Post Holder **Date**

Signed – Line Manager **Date**

Comments by Post Holder

I confirm that the **Trial Period Review** has been completed. I have the following comments:

Signed **Date**

Comments by Line Manager

I confirm that the **Trial Period Review** has been completed. I have the following comments:

Signed

Date

Following review, please e-mail the completed signed form to nhs.healthscotland-hrenquiries@nhs.net.

For HR Use Only:

Tracker Updated

Name

Date