

Livewell Southwest

Redeployment Policy

Version No.3

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Notice to staff using a paper copy of this guidance

The policies and procedures page of the intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.

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Redeployment Policy

1. Introduction

- 1.1 Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.
- 1.2 Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.
- 1.3 This policy describes circumstances in which employees may be redeployed. Some instances are subject to employment law and this policy must be applied accordingly. Redeployment in these circumstances has priority status. There are other circumstances in which Livewell Southwest (LSW) considers it legitimate to redeploy staff and this policy sets out the conditions that must apply.
- 1.4 The policy is not exhaustive. Redeployment should not occur outside of the areas described without the agreement of the Human Resources Department.
- 1.5 Redeployment is a private employment matter for the individuals involved and as such is confidential. There should, however, be as much communication and information given as possible to assure interested individuals that the policy is being complied with.

2 Purpose

- 2.1 Redeployment can provide opportunities to explore alternative roles and actions short of termination of employment. The following policy process provides a framework for redeployment within Livewell Southwest.

3 Definitions

- 3.1 Redeployment is the process of moving employees to an alternative role within the same employer.

4 Duties & Responsibilities

- 4.1 The **Chief Executive** is ultimately responsible for the content of all policies, implementation and review.
- 4.2 The **Director(s)** are responsible for ensuring awareness of policy processes and consistent application across the organisation of these arrangements.

4.3 Line Managers are responsible for:

- Ensuring that this policy is adhered to within their specified area, and should take consideration of it when undertaking relevant processes.
- Ensuring that employees are made aware of this policy and understand the potential implications of processes in relation to it.

4.4 Employees must:

- Ensure that they participate and engage in any processes and in line with this policy.
- Make their Manager aware if they require any additional support to participate in processes within this policy.

5. Priority Circumstances

5.1 “At Risk” of Redundancy

- 5.1.1 No member of staff will be placed at risk without the prior agreement of the Executive Team and the Director of Clinical Practice and Development.
- 5.1.2 The aim of the policy is to avoid redundancy by means of re-deployment. Where that is not possible, other measures will be used to avoid, as far as possible, compulsory redundancies.
- 5.1.3 An employee who is “at risk” is an employee whose post, location or conditions of employment will be directly affected by changes in service or organisation. They will have priority status in respect of appropriate/relevant vacancies that occur.
- 5.1.4 LSW is committed to consulting with employees, representatives and Trade Unions as early as possible in the process with a view to reaching an agreement.
- 5.1.5 The process of matching “at risk” employees to suitable vacancies will be the responsibility of the HR Department.
- 5.1.6 This policy is designed to avoid compulsory redundancies. In the event that becomes necessary the procedure set out in the Redundancy Policy will apply.

5.2 Disability or Ill health

- 5.2.1 If an employee becomes unable to carry out their job because of a disability or ill health, LSW will, as far as possible, explore reasonable adjustments and support for them to continue within their substantive role, in accordance with the Workplace Reasonable Adjustments Policy. However where this is not possible the redeployment process shall apply to explore suitable alternative employment.

- 5.2.2 This may be for a temporary period or permanently. In this situation the employee will have priority status similar to that of the “at risk” employee.

5.3 Pregnancy

- 5.3.1 New and expectant mothers may, for a temporary period, be unable to carry out her full duties. This will be determined in line with - LSW’s maternity guidance and risk assessment procedures (see Maternity Policy for further information).
- 5.3.2 Any changes during this time should be temporary and will be carried out without change to terms and conditions, grade or salary (see Maternity Policy for further information).

6. Management Action

6.1 Disciplinary Sanction

LSW’s Disciplinary Policy allows Disciplinary Panels the option of taking action short of dismissal. This can include re-deployment to another area and/or reduction in banding or hours.

6.2 Capability - Performance

- 6.2.1 LSW aims to provide employees with the support and training necessary to carry out their duties. A situation can develop where the skills and ability of the employee no longer matches the job requirements and the provision of appropriate training is not likely to provide a remedy.
- 6.2.2 If during the Performance Management process redeployment is agreed, then protection will only be applied in exceptional circumstances in line with above.

6.3 Relationship Breakdown

- 6.3.1 From time-to-time working relationships break down to the extent employees cannot continue to work together. If all measures to resolve the situation are unsuccessful, it may be necessary to consider redeployment as a last resort.
- 6.3.2 Following consultation with the employee(s) and appropriate manager, it should be agreed by all parties which of the employees need to be moved, if at all. Protection arrangements can be discussed. If agreement cannot be reached then the Head of Service (or equivalent) in conjunction with the Human Resources Department will decide which of the employees will be moved.

7. Redeployment Process

- 7.1 The line manager must assess the situation and may seek advice from the HR department regarding the appropriate processes before commencing redeployment. This will be in accordance with the circumstances of Section 5 and 6 above.
- 7.2 The employee must be consulted at all stages of the process as an equal partner with LSW in seeking a solution to any problems that have arisen or are expected to arise.
- 7.3 A meeting will be arranged with the employee to discuss the circumstances and commencement of the redeployment process. The employee will have the right to attend with the support of a trade union representative or workplace colleague at all stages of the process. The meeting should be consultative and supportive.
- 7.4 At any stage of the process it may be appropriate to take advice and assistance from the Occupational Health & Wellbeing Department, a Medical Specialist, the Risk Manager and/or other agencies, regarding suitability of work roles and tasks.
- 7.5 The initial meeting between the line manager and employee will trigger the commencement of the period for exploring redeployment opportunities.

The duration of the period of seeking a suitable alternative post will usually be a 12 week period. However the specific reason for the need for redeployment – such as redundancy, will have specific consultation periods. However shall not normally extend beyond a 12 week period.

During this time all parties will be responsible for reviewing the vacancy opportunities within Livewell Southwest for suitable alternative posts. Consideration should be given to as wide a range of jobs and occupations as possible.

During the review period further review meetings will be arranged as appropriate to provide an opportunity to reflect on the process and any additional actions.

During this process, consideration of STP opportunities will be checked, consideration should be given to the STP clearing house vacancy management procedure. Please seek advice from an HR representative.

- 7.6 At the initial meeting the employee will be provided with the redeployment application paperwork (Appendix A) which aims to capture key information regarding skills, knowledge, and experience to aid the exploration of suitable alternative posts.
- 7.7 If a suitable alternative role is identified and the employee has been successfully appointed – given that there may be a competitive process or there may be priority status as detailed in Section 5 and 6 – a trial period can be arranged in accordance with the parameters of Section 8.3.

- 7.8 Where there is an underlying health condition and in accordance with the Equality Act, consideration will be given to reasonable adjustments and support to enable an employee to fulfil the role requirements for the post in consideration – initially the substantive post of the employee and any potential suitable alternative posts. Please refer to the Workplace Reasonable Adjustments Policy for further details.
- 7.9 Suitable posts are those for which the employee can meet the essential criteria of the person specification after reasonable adjustments have been made. Reasonable adjustments will include skills training relevant to the role but not professional training. Where suitable alternative employment is offered it is expected that the employee will accept the offer. Where a period of training is necessary the employee will receive the salary for the new post and be provided with training and time off as reasonable in the circumstances. Where the new appointment attracts earnings less than the original post then protection of earnings will be agreed, see Section 8.4.
- 7.10 In the event that no suitable employment can be found the matter should be reviewed with the Manager and HR representative dealing with the case, to check that all reasonable alternatives have been explored. Where the Manager/HR representative agree there is no suitable alternative then the following options should be explored dependent on the circumstances:
- Ill health retirement
 - Mutual termination
 - Referral to a Capability Panel

The meeting will follow a 3 step process as outlined in legislation. This is detailed in the relevant policy for the reason redeployment consideration commenced – please refer to the specific policy document.

- 7.11 Records must be kept of all documents associated with each case:
- Notes of every meeting with the employee
 - Notes of any other meetings relating to the case
 - Workplace assessments
 - Any correspondence with the employee and others involved
 - Job applications and interview notes
 - Contacts and advice from outside sources e.g. Disability Service Teams
 - Occupational Health & Wellbeing and Medical Specialist reports

8. General Principles

8.1 Priority

Where more than one employee needs or is seeking to be redeployed account will be taken of Employment Law in determining whether a hierarchy should apply, e.g. Section 2 describes circumstances covered by statute and case law.

Where there is more than one employee suitable for the same vacancy there will be a competitive appointment process.

8.2 Suitable Alternative Employment

There is no statutory definition of the word “suitable” and therefore it must be considered on a case-by-case basis. Factors to consider are:

- (a) Salary – any significant cut in earnings may make an offer unsuitable but this will be mitigated by the protection arrangements if mutually agreed. Consideration will be given to bands one above and one below the existing substantive banding.
- (b) Status – any significant reduction in status may make an offer unsuitable e.g. from Ward Manager to Staff Nurse.
- (c) Nature of work – the work needs to be broadly of the same character and clearly within the employee’s capability.
- (d) Working hours – a minor change will probably be acceptable if mutually agreed. A major change such as from day to night work would probably be unsuitable unless mutually agreed. The domestic circumstances of the employee need to be carefully considered. There is no obligation to increase an individual’s contractual hours.
- (e) Work location – the employer should consider the degree of disruption likely to be caused by a change of location and any additional expense incurred. Any increase in travelling time should be considered in relation to the circumstances of the employee.

8.3 Trial Periods

Employees transferred to a new work place or re-deployed to another post where the terms and conditions differ from the original post are entitled to a statutory 4 week trial period. The trial period can be extended by mutual agreement but would not be expected to exceed 8 weeks. If during this period the employee and/or Manager have concerns about the suitability of the redeployment they should discuss this with the HR Department. The Manager and employee must meet and review the redeployment before the end of the trial period.

8.4 Redeployment Protection Arrangements

8.4.1 These arrangements will apply to any employee who is redeployed as a result of any circumstance described in Section 5. They are also the maximum that can be applied in relation to Section 6. These pay protection arrangements will also be applied in circumstances as a result of organisational change policy and procedure.

8.4.2 Salary and Allowances

All staff will be pay protected on their current pay point of the band on a sliding scale for up to two years dependent upon their length of service*:

- Up to five years – 15 months

- Five to 10 years – 21 months
- 10+ years – 24 months

(*The date from which length of service will be measured will be the date the change takes effect).

8.4.3 All staff will normally have a minimum of one year's protection of earnings i.e. enhancements applied to pay. This is specific to the pay protection of earnings rather than the pay protection of banding pay point which is detailed in 8.4.2. Protectable earnings are the monthly average over 4 or 12 months (whichever is the more favourable) immediately proceeding the first day of employment in the new post. These earnings include but are not restricted to:

- Overtime
- Unsocial hours payments
- Standby

(N.B. responsibility or Acting Up allowances that are time limited will continue to be paid for the defined period).

8.4.4 Allowances – Following any organisational change allowances, e.g. on-call payments, will be protected for a period of three months from date of service change.

8.4.5 Preservation of Pension Scheme Benefits - Individual employees may wish to make contact with their individual pension provider to discuss pension benefits. Eg. NHS Pension, Scottish Widows, Local Government Pension Scheme.

8.4.6 Conditions

Protection of pay will be confirmed via a Change Form to confirm the contractual variation with specified start and end date of the arrangements.

As set out above protection of pay (in relation to pay point band and earnings) is provided with the expectation of the employee undertaking any shift work or other additional duties which may be required up to the level at which earnings in the new post equal the protected earnings.

Protection of pay is also conditional on the employee accepting any subsequent offer of another suitable post that attracts a basic salary in excess of the basic salary applying to the new post.

If a suitable alternative post becomes available at the employees existing band and the employee refuses to take it they will forfeit pay protection entitlements with immediate effect.

The list of employees that are pay protected will be reviewed by the Executive Team in conjunction with the Vacancy Review Panel and at the Head of Services monthly meetings.

8.5 Communication

- 8.5.1 Responsibility for communication about redeployments lies with the managers of the services.
- 8.5.2 Whilst the communication should be clear and as detailed as possible, the major consideration should be the wishes and rights to confidentiality of the re-deployed employee(s).

9. Training and Information

Training and guidance will be provided to Managers on their duties in relation to this policy.

10. Monitoring Compliance

The effectiveness of this policy will be monitored through the HR Policy Group.

All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Head of Service.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Signed: Director of People and Professionalism

Date: 21st December 2022

APPENDIX A



Request for Redeployment Application

Employee Name			
Assignment Number			
Contact Email		Contact Tel	
Trade Union Representative	<i>(If applicable please detail your trade union body and named representative supporting you with this matter)</i>		
Line Manager			
Contact Email		Contact Tel	

Current Role		Band	
Current Department/Service		Contracted Hours	

Date Review Period Commences:	
Date Review Period Concludes:	<i>(max 12 weeks)</i>

Reason for Redeployment (Please tick accordingly)	<input type="checkbox"/>	'At Risk' of Redundancy
	<input type="checkbox"/>	Disability and Ill Health
	<input type="checkbox"/>	Pregnancy
	<input type="checkbox"/>	Management Action, please specify:
Additional Information	Please provide any additional details to support your application as appropriate e.g. diagnosis, support needs, reason for redeployment, etc.	

Declaration	I confirm that I have had the opportunity to discuss the need for redeployment and agreed to be considered for redeployment opportunities.		
Employee's Signature		Date	
Manager's Signature		Date	

Current Role	
Current Working Pattern	
Length of Continuous Service	
Brief Summary of Role	

Qualifications and Professional Registration Details <i>(Please specify your registration details)</i>	
Relevant Experience	
Any Additional Relevant Information	

Minimum hours of work per week you would consider :	
Maximum hours of work per week you would consider:	
What ideal types of post or duties do you wish to be considered for?	
Any service areas you would be unable to work due to personal reasons? (please state reason)	
Do you have transport? Would you consider a role which requires travel?	
LSW will seek suitable posts across all LSW services. Is there any geographical location that you are unable to get to? (please state reason)	

Any restrictions on redeployment e.g. due to health problems and impact of working hours, pattern of work etc.?	
Any areas unable to work due to health reasons?	
Details of any reasonable adjustments and support needs?	

Summary I agree to the sharing of these details with the HR department, my line manager, and the line managers of potential opportunities within Livewell Southwest for the purpose of supporting my redeployment application. <i>(please tick as appropriate)</i>	
I am attaching an up-to-date CV	
I will forward a CV to my line manager	
I am attaching a personal statement	
I will forward a personal statement to my line manager	

Declaration	I confirm that I have had the opportunity to discuss the need for redeployment and agreed to be considered for redeployment opportunities.		
Employee's Signature		Date	
Manager's Signature		Date	