

REDEPLOYMENT OF STAFF IN THE MIDLANDS & EAST OF ENGLAND MEMORANDUM OF UNDERSTANDING

June 2019 amended to replacing 'Agenda for Change' with 'NHS Terms and Conditions Of Service'

Purpose

The purpose of this Memorandum of Understanding is to set out principles across Midlands & East NHS employers for redeployment of staff at risk of redundancy.

Context

Strategic service reconfigurations, financial challenges, changing population health needs and technology all impact on the NHS workforce and organisational change is likely to be a feature within the NHS over forthcoming years.

In order to ensure that the NHS remains an attractive employer it is critical to develop a system to enable the redeployment of staff to:

- Retain talent and minimise the loss of valuable skills and expertise from the NHS across the geographies and therefore, maintain service levels for patients
- Support staff in finding alternative jobs
- Avoid compulsory redundancies as a health community wherever possible
- Protect the public purse

Scope

This Memorandum of Understanding covers all NHS organisations in the Midlands & East of England. The principles underpinning redeployment will be applied to the individual geographical areas of West Midlands, East Midlands, and East of England. However, where staff wish to relocate beyond their local geography, employers will seek to support redeployment across a wider geography.

Memorandum of Understanding Principles

Agreement has been reached on the following principles which will be upheld to support redeployment of staff:

- The MOU applies to employees at risk of redundancy only – i.e. not due to ill health or performance
- Any employee designated at risk, who chooses to apply and meets the essential shortlisting criteria for a vacancy in a Trust under this agreement, will be offered an interview.
- Individual employers retain responsibility for the employee until the redeployment takes place
- Individual employers will, firstly, seek to redeploy their own at risk employees internally before committing to redeployment of external employees
- Individual employers agree to implement the operational redeployment framework and processes, attached as Appendix 1

- Responsibility for applying for jobs remains with the member of staff at risk, supported by their local HR team.
- This MOU will not be operationalised in such a way that it delays recruitment processes internally.

Appendix 1

Operating Framework and Redeployment Processes

Section 16 of NHS Terms and Conditions of Service

Employers will apply the Redundancy arrangements within Section 16 of NHS Terms and Conditions of Service. The following points reflect the way in which the redeployment process will be supported across the Midlands & East.

Registration in the Restricted Area of NHS Jobs

At the start of consultation, individuals whose posts are identified as potentially at risk should be set up, by their employer, with a 'restricted' account on NHS Jobs which will highlight them as a priority when applying for NHS positions. Employers will be responsible for ensuring that staff records on the restricted area of NHS Jobs are kept up to date.

To add or manage affected by change accounts select the 'Affected by change accounts' option in the Admin section of the left navigation menu. Before 'affected by change accounts' can be added, the restricted accounts function needs to be switched on. To create an 'affected by change account' you enter the employee's name, their chosen email address and job title as a minimum. However, it is also beneficial for reporting reasons to complete as many of the given fields as possible, including E&D data. Staff with an affected by change account will be identified by recruiting employers in the applications list for any vacancy they apply to via a grey 'A' icon.

Guaranteed Interviews

Staff designated 'at risk' will, where they meet a vacant job's essential criteria, will be guaranteed an interview for the job. Where job applications per vacancy are of a high number, employers will prioritise interviews for those designated at risk over external candidates.

Where an individual applies for a job in lower pay band, employers should discuss the potential for the individual's current organisation to fund pay protection as an alternative to redundancy.

Employee's responsibilities

It is the responsibility of staff registered as affected by change to ensure that they regularly check NHS Jobs for suitable roles within their organisation or wider health economy if they are able to relocate – ideally every day. Local Organisations may appoint protected time within work hours for registered employees to search for jobs.

Employees should also maintain regular contact with their Local HR Leads, and be available to them in order to keep updated about potential opportunities.

Record Keeping

Employers should keep records of the movements and status of their employees. Once 'at risk' status is registered, details of applicants 'at risk' should be retained by the individual employer, which will include: Date of formal notification 'at risk'; Registration date for NHS Jobs Restricted Area & approval for redeployment; and records of any refusals of suitable alternative employment options and reasons given

Employers will maintain records of all feedback forms from vacancy holders following any selection processes that individuals have been involved in. Data should be maintained and destroyed in accordance with the Data Protection Act. Employers will keep up to date the NHS Jobs Restricted Account Register, ie, where individuals are redeployed, access to the restricted account should be removed.

In respect of redeployment, employees will be expected to show some flexibility but it should be noted that nothing in this MOU affects the usual legal/contractual principles and tests that are used to determine: (a) what constitutes suitable alternative employment for any particular employee at a particular Trust, or (b) whether any refusal of any suitable alternative employment by that employee is reasonable.