



Redeployment Policy

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This Policy should be read in conjunction with other relevant NHS Grampian Staff Management Policies, for example the Organisational Change Policy, the Employee Capability Policy, the Workplace Adjustment Policy, the Fixed Term Contracts Policy, etc

The provisions of this policy, which was developed by a partnership group on behalf of Grampian Area Partnership Forum, apply equally to all employees of NHS Grampian except where specific exclusions have been identified.

NHS Grampian Redeployment Policy

This document is also available in large print and other formats and languages, upon request. Please call NHS Grampian Corporate Communications on Aberdeen (01224) 551116 or (01224) 552245.

This Policy has undergone Equality and Diversity Impact Assessment.

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NHS Grampian Redeployment Policy

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NHS Grampian Redeployment Policy

1. Introduction

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

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

This policy has been developed in partnership with trade unions and professional organisations. It reflects the best practice identified in, and meets the minimum standards set out in, the Redeployment within NHSScotland Partnership Information Network (PIN) Policy. The policy also reflects relevant current employment legislation.

2. Definition

'Redeployment' is the process of securing suitable alternative employment for an employee who it is identified will be displaced, at a stated future date, from their post. This may be as a result of:

- Organisational change;
- Following application of formal processes relating to capability (whether due to ill-health or performance);
- In advance of the non-renewal of a fixed term contract upon expiry.

It is, however, recognised that there may be other circumstances where NHS Grampian determines that redeployment may be appropriate.

'Displaced' means that the employee has been permanently moved out of their substantive post. This may be because:

- There is no longer a need for a post;
- The particular skills or experience of a post-holder are no longer required; or,

- The employee is unable to undertake the duties of the post.

3. Scope

This policy applies to all affected employees of NHS Grampian from the point at which it is identified that they will be 'displaced', although the process by which employees access redeployment may vary. Individual employee entitlements may differ depending on the grounds upon which they have been displaced. For ease of reference this policy will refer to 'displaced employees'.

This policy does not apply where the basis of employment is a developmental precursor to subsequent training, e.g. Psychology Assistant, or training posts, e.g. apprenticeships.

4. Aims of Policy

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

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

- This policy will be appropriately communicated to all employees and will be made readily accessible to them;
- Suitable alternative employment opportunities will be sought for all displaced employees;
- There will be no unreasonable delay in commencing this process;
- No vacancy will be opened to applications 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. Displaced employees are free to apply for posts at a higher band through the usual recruitment process.
- 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 on the redeployment register

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 (see Section 15);
- 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;
- Guidance and support on the policy will be provided for managers and trade union/professional organisation representatives through the Human Resources (HR) Hub 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 the Redeployment Coordinator in order to ensure that it is efficiently, effectively and fairly managed;
- This policy will be subject to ongoing monitoring to ensure that it is being fairly and consistently applied and that the stated principles and values are being met. The policy will be subject to regular review, in partnership, to ensure that any new standards and/or structures are incorporated when necessary and that it remains fit for purpose.

5. Roles and Responsibilities

5.1 Manager of Displaced Employee is required to:

- Provide regular contact and support to the displaced employee whilst suitable alternative employment is being explored;
- Familiarise themselves with the appropriate policies and procedures;
- Ensure that displaced employees are made aware of their rights and responsibilities under this policy and that these are complied with, including ensuring that there is no unreasonable delay in enabling displaced employees access to the provisions of the policy;
- Seek advice from the HR Hub and notify them an employee is due to be displaced agreeing HR support required, e.g. attendance at meetings;
- Arrange a meeting with the individual to discuss and confirm their 'displacement' and the reasons for this. They should also provide the employee with written confirmation of this. Contact the HR Hub to arrange for a member of the HR Team to attend this meeting.
- Inform the member of staff that they are entitled to be accompanied by a Trade Union or Professional Organisation or a friend or colleague not acting in a legal capacity (check the wording);

- Provide the employee with an Employee Profile Form (Appendix A), which should be completed jointly, signed by all parties and forwarded to the HR Hub;
- Keep a note of the date that the fixed term contract is due to end and ensure that the employee is displaced in advance of their fixed term end date (see Section 9) for employees who are on fixed term contracts;
- Identify any training requirements with the employee and signpost these to the employee;
- Liaise with Occupational Health Service where appropriate;
- Manage the overall situation, including providing the employee with every assistance in securing an alternative post, e.g. time off with pay to attend interviews and agreed training within normal working hours. Performance appraisal and Personal Development Planning for individuals affected should be treated as a high priority.
- Ensure that they seek advice from HR and the Redeployment Coordinator where necessary and appropriate when dealing with redeployment issues.

5.2 'Displaced' Employee is required to:

- Participate fully in the process;
- Complete an Employee Profile Form (Appendix A) in order to be entered on the Redeployment Register;
- Check the Vacancy Bulletin each week (if unable to access the Vacancy Bulletin online, a list of vacancies can be provided on request from the Redeployment Co-ordinator or the Employee's Line Manager);
- Express an interest in any advertised posts for which they may potentially be suitable for by completing an Application Form and tick '**Displaced**' on the Application Form;
- Give full consideration to all posts highlighted to them by the Redeployment Coordinator normally replying within 5 working days;
- Advise the Redeployment Coordinator when they will not be contactable in the usual way and advise of different contact arrangements where appropriate;
- Identify and agree any training requirements with their line manager;
- Ensure that they are aware of both their rights and responsibilities under this policy, and that they seek further guidance if they are unsure;
- Ensure that any concerns or issues that arise during the Redeployment process, including any trial period, are raised as soon as possible to enable early discussion and with a view to potential resolution.

5.3 Appointing Manager is responsible for:

- Engaging in informal discussions with displaced employees who are highlighted posts through redeployment and meet or who have the potential to meet, the essential elements of the person specification;
- Ensuring that displaced employees who apply through the vacancy bulletin will be guaranteed an interview prior to any other candidates, provided they meet, or have the potential to meet, the essential elements of the person specification;
- Seeking advice from the HR Team, where there is/are displaced applicant(s), this is essential when they consider that a displaced applicant does not meet, or does not have the potential to meet, the essential elements of the person specification;
- Reviewing their decision, having been asked to do so by HR. If they are still of the opinion that the displaced applicant does not meet, or does not have the potential to meet, the essential elements of the person specification, they must provide the Redeployment Coordinator with written reasons for their decision.
- Arranging interviews for displaced candidate(s);
- Notifying the HR Hub of displaced applicants for advertised posts and requesting a member of the HR Team to attend the interview;
- Ensuring that they are fully aware of and comply with their responsibilities under this policy, including ensuring that displaced employees matched to a vacancy are considered objectively and without prejudice and not unreasonably refused appointment;
- Ensuring that any concerns or 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;
- Ensuring that they seek advice from the HR Team and the Redeployment Coordinator where necessary and appropriate when dealing with redeployment issues.

5.3.1 Where a formal interview is required it will be arranged as soon as possible, normally within 2 weeks. The interview:

- Must be attended by a representative from HR;
- Will only be competitive when more than one eligible 'displaced' candidate applies for a vacancy.

If the displaced candidate is found after interview to be unsuitable, the appointing manager should, with input from the HR representative, advise the candidate in writing, with a copy to the Redeployment Coordinator, of the reason(s) why they have not been successful. See section 10 on Selection Decisions for further information.

5.4 Trade Union/Professional Organisation Representatives at the request of the employee is responsible for:

- Supporting their members;
- Ensuring their members are aware of their rights and responsibilities under this and other relevant policies;
- Ensuring that any concerns or issues are raised as soon as possible in order to enable early discussion and, where possible, facilitate early resolution;
- Working with Manager/OHS/HR to identify an appropriate solution.

Supporting the employee will not include attendance at formal or informal recruitment interviews.

5.5 HR is responsible for:

- Providing guidance and support on this policy for managers, displaced employees and trade unions/professional organisation representatives;
- Working with the Redeployment Coordinator and Line Managers to support in the identification of suitable alternative employment for displaced employees;
- Liaising with Occupational Health Services where appropriate;
- Ensuring that displaced employees have fully completed the Employee Profile Form (Appendix A);
- Attending recruitment interviews for displaced candidates;
- Asking the Appointing Manager to review their original decision not to interview, where the HR Team believes that the displaced applicant does meet or has the potential to meet, the essential requirements of the person specification;
- Ensuring that refusal by a manager to appoint a displaced employee to an identified potential match is reasonable and stands up to objective scrutiny;
- Facilitating 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);
- Liaising with key stakeholders (e.g. Manager of Displaced Employee, Occupational Health Service, etc.) on any required employment decisions where redeployment has not proven successful.

5.6 Redeployment Coordinator is responsible for administering the Redeployment process which will include:

- Keeping the NHS Grampian Redeployment Register regularly updated with information provided by the HR Team;

- Scrutinising all vacancies received as part of the Redeployment Group and contacting displaced employees on the Redeployment Register when a suitable vacancy is identified and logging all such matching activity;
- Ensuring that no vacancy is opened to applications from within the wider internal workforce or externally until it is established that it does not present a suitable alternative employment opportunity for a displaced employee;
- Liaising with managers recruiting to a vacancy in order to ensure that displaced employees are appropriately matched;
- Ensuring that displaced employees matched to vacancies are appropriately prioritised based on the reason for their displacement;
- Liaising with the HR Team as and when required;
- Providing anonymised information on employees on the Redeployment Register as required for data collection or reporting;
- Collating appropriate information to inform the monitoring and evaluation of this policy.

5.7 Recruitment Team is responsible for:

- Notifying the Appointing Manager of displaced applicants;
- Withholding all other application forms until displaced applications are considered by the Appointing Manager;
- Inviting displaced candidate for interview, giving appropriate notice;
- Arranging for a conditional offer of appointment letter to be sent once a candidate is deemed to be suitable after interview;
- Undertaking all necessary checks and taking up references;
- Arrange for an unconditional offer letter to be sent once a candidate has all checks in place.

5.8 Occupational Health Service while Displaced Candidate is on Redeployment will:

- Provide advice on what tasks it will be possible for the employee to undertake, which posts the employee may be considered for and any adjustments required to be made to the post, or the work place, to assist the employee to take on that role;
- Conduct an assessment of the proposed new/redeployed role and the employee's fitness to undertake the role following interview but prior to an offer of appointment being confirmed;
- Provide timely and comprehensive guidance, where sought and as necessary and appropriate, to support the process of identifying suitable alternative employment.

6. Entitlement Period on the Redeployment Register

Organisational Change – Section 7	Entitlement Period
All employees	Three months with extension if a suitable post is not found during this period.
Capability – Section 8	Entitlement Period
Over one years continuous service in total	Three months.
End of Fixed Term Contract – Section 9	Entitlement Period
Less than one years continuous NHSG service in total	Four weeks - this will be the last four weeks of the Fixed Term Contract.
Between one and two years continuous NHSG service in total	Three months – this will be the last three months of the Fixed Term Contract.
Between two and four years continuous NHSG service in total	Three months – this will be the last three months of the Fixed Term Contract. If the contract of employment is terminated, employees may be entitled to a Redundancy Payment in line with statutory and contractual requirements.
Over four years continuous NHSG service in total	Three months – this will be the last three months of the Fixed Term Contract - with extension if a suitable post is not found during this period.

7. Procedure for Employees Displaced due to Organisational Change

7.1 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 procedure outlined below.

7.2 Specific Conditions

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

- The first involves circumstances where individuals are displaced as a result of a change in the number or nature of roles required, and where appointment to those resulting roles is by limited competition from amongst affected employees. In such circumstances, the process will be as determined within NHS Grampian's Organisational Change policy.
- The second occurs where an individual is displaced in circumstances where there is no such resulting role, or where they have been unsuccessful in securing such a resulting role via the organisational change 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.

7.3 Entitlement Period and Process

Employees displaced due to organisational change will be placed on the Redeployment Register for three months in the first instance and extended until a post for which they meet, or have the potential to meet, the essential requirements of the person specification arises. If a displaced employee's entitlement period on the Redeployment Register is extended for this reason, their substantive line manager and department will retain responsibility for this employee. Any extension will be funded by the substantive department until a suitable post is found.

On commencement of and during the entitlement 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.

These meetings would involve:

- Advising the displaced employee of their rights and responsibilities under the policy;
- Assistance with completion of the Employee Profile Form (Appendix A);

- Helping the employee 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.

Subsequently, a meeting to review the employee's progress in obtaining a suitable alternative role, with a view to reaching a decision at the end of the entitlement period (if no such role had been secured) as to whether it should reasonably be extended based on the employee's entitlement period.

7.4 Matching

The Redeployment Group will undertake the process of matching (see Appendix C) for all displaced employees, with the completed Employee Profile Form (Appendix A) providing the basis for comparison. 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 to aid the matching process.
- Matching will only involve comparison of applicable vacant posts (i.e. ordinarily only those at the same pay band or one pay band below the post from which an employee has been displaced. However, if the employee is disabled for the purposes of the Equality Act 2010 consideration may require to be given to vacant posts at a higher pay band/grade).
- Consideration should be given to an employee's particular circumstances, for example, to the appropriate skill set, hours of work, and travelling distance which the displaced individual would be willing to consider.

In the case of those displaced employees 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. If an employee chooses to be matched to a post that does not attract special class status, 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 they were displaced because of any protected characteristics, for example, under the Equality Act 2010 (see Appendix D).

The Redeployment Coordinator will then advise those with the highest priority that they have been matched and pass them the details of the manager recruiting to the vacancy (as well as alerting the employee's line manager) and the employee has five working

days to contact the recruiting manager to note their interest in the post. The Redeployment Coordinator will also alert the appointing manager that their post is being held as there is a matched displaced candidate.

Where there is a vacancy that is deemed to be an exact match for a single displaced employee, they will be automatically matched into the post and should have a discussion with the appointing manager within five working days (see Appendix C).

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.

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, or following discussion with the manager recruiting to the vacancy, or during any subsequent selection process (if applicable), or during any subsequent trial period.

If it is considered that the displaced employee has unreasonably refused suitable alternative employment opportunities to which they have been matched, a decision may need to be taken to convene a meeting to consider enforced redeployment (see Section 13).

7.5 Protection of Terms and Conditions of Employment

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

If the employee is redeployed into a post of a lower banding the releasing line manager is responsible for paying the difference between the pay band grade of the post and the amount the employee is due from protection.

8. Procedure for Employees Displaced due to Capability

This section applies in the case of issues of capability, which is where an employee is lacking in some area of knowledge, skill or ability, or ill health, resulting in a failure to be able to carry out the required duties of the post to an acceptable standard.

The Employment Rights Act 1996 states that “capability” is “assessed by reference to skill, aptitude, health or any other physical or mental quality”.

Redeployment should only be considered where there is a likelihood of a suitable alternative role (i.e. which is to be performed to the required standard and not present a continuing capability concern) arising within NHS Grampian within a reasonable period of time. It should be noted that there is no legal requirement to create a post for an employee who can no longer carry out the job they were employed to do and a post will not be created to facilitate such a move. If redeployment is dismissed by one of the parties as a reasonable option, a possible outcome is to convene a Stage 3 Capability meeting under the Employee Capability policy.

8.1 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 procedure outlined below.

8.2 Specific Conditions

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

Depending on the nature of the capability issues, Occupational Health advice will be required 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). Occupational Health advice will also be required during the subsequent entitlement period where consideration is being given to the suitability of particular posts.

8.3 Entitlement Period and Process

Employees with one or more years continuous service will be placed on the Redeployment Register for three months.

On commencement of and during the entitlement 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.

These meetings would involve:

- Advising the displaced employee of their rights and responsibilities under the policy;
- Assistance with completion of the Employee Profile Form (Appendix A);
- Helping the employee 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.

If it is considered that the displaced employee has unreasonably refused suitable alternative employment opportunities to which they have been matched, a decision may need to be taken to convene a meeting to consider termination of employment in line with the NHS Grampian Non Disciplinary Dismissal Policy.

8.4 Matching

The Redeployment Group will undertake the process of matching (see Appendix C) for all displaced employees, with the completed Employee Profile Form (Appendix A) providing the basis for comparison. 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. However, if the employee is disabled for the purposes of the Equality Act 2010 consideration may require to be given to vacant posts at a higher pay band/grade).
- Consideration of 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 appropriate skill set, hours of work, and travelling distance which the displaced individual would be willing to consider.

In the case of those displaced employees 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. If an employee chooses to be matched to a post that does not attract special class status, 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 they were displaced because of any protected characteristics, for example, under the Equality Act 2010 (see Appendix D).

The Redeployment Coordinator will then advise those with the highest priority that they have been matched and pass them the details of the manager recruiting to the vacancy (as well as alerting the employee's line manager) and the employee has five working days to contact the recruiting manager to note their interest in the post. The Redeployment Coordinator will also alert the appointing manager that their post is being held as there is a matched displaced candidate.

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.

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, or following discussion with the manager recruiting to the vacancy, or during any subsequent selection process (if applicable), or during any subsequent trial period.

If it is considered that the displaced employee has unreasonably refused suitable alternative employment opportunities to which they have been matched, a decision may need to be taken to convene a meeting to consider enforced redeployment (see Section 13).

8.5 Protection of Terms and Conditions of Employment

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

If 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>).

9. Procedure for Employees Displaced due to End of Fixed Term Contract

9.1 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 procedure outlined below.

9.2 Specific Conditions

In this case, in line with NHS Grampian's 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, where appropriate (see Section 9.3). 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.

In situations where the post is subject to fixed term funding an exit strategy should be built in to the appointment.

For more information on the management of Fixed Term Contracts please refer to NHS Grampian's Fixed Term Contracts Policy.

9.3 Entitlement Period and Process

Employees with less than one years continuous service will be placed on the Redeployment Register for four weeks prior to the end of their Fixed Term Contract. The employee's notice period will run concurrently with their time on redeployment.

Employees with between one and four years continuous service will be placed on the Redeployment Register for three months prior to the end of their Fixed Term Contract. The employee's notice period will run concurrently with their time on redeployment.

Where employees with less than two years continuous service have been unable to obtain suitable alternative employment by their termination date, their contract will be terminated and they will not be entitled to a redundancy payment in line with Agenda for Change Terms and Conditions.

Where employees with between two and four years continuous service have been unable to obtain suitable alternative employment by their termination date, their contract will be terminated and they may be entitled to a redundancy payment in line with Agenda for Change Terms and Conditions.

Employees with more than four years continuous service will be placed on the Redeployment Register for three months in the first instance and extended until a post

for which they meet, or have the potential to meet, the essential requirements of the person specification arises. If a displaced employee's entitlement period on the Redeployment Register is extended for this reason, their substantive line manager and department will retain responsibility for this employee. Any extension will be funded by the substantive department until a suitable post is found.

On commencement of and during the entitlement 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.

These meetings would involve:

- Advising the displaced employee of their rights and responsibilities under the policy;
- Assistance with completion of the Employee Profile Form (Appendix A);
- Helping the employee 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.

Subsequently, a meeting to review the employee's progress in obtaining a suitable alternative role, with a view to reaching a decision at the end of the entitlement period (if no such role had been secured) as to whether it should reasonably be extended based on the employee's entitlement period.

For employees displaced due to the end of a fixed term contract and with less than four years continuous service, at the end of the entitlement period if the employee has not secured an alternative post, their contract will be ended on the grounds of end of fixed term contract. The employee's notice period will run concurrently with their time on redeployment. 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).

9.4 Matching

The Redeployment Group will undertake the process of matching (see Appendix C) for all displaced employees, with the completed Employee Profile Form (Appendix A) providing the basis for comparison. 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. However, if the employee is disabled for the purposes of the Equality Act 2010 consideration may require to be given to vacant posts at a higher pay band/grade).
- Consideration of 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 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. If an employee chooses to be matched to a post that does not attract special class status, 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 they were displaced because of any protected characteristics, for example, under the Equality Act 2010 (see Appendix D).

The Redeployment Coordinator will then advise those with the highest priority that they have been matched and pass them the details of the manager recruiting to the vacancy (as well as alerting the employee's line manager) and the employee has five working days to contact the recruiting manager to note their interest in the post. The Redeployment Coordinator will also alert the appointing manager that their post is being held as there is a matched displaced candidate.

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.

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, or following discussion with the manager recruiting to the vacancy, or during any subsequent selection process (if applicable), or during any subsequent trial period.

If it is considered that the displaced employee has unreasonably refused suitable alternative employment opportunities to which they have been matched, a decision may

need to be taken to convene a meeting to consider enforced redeployment (see Section 13).

9.5 Protection of Terms and Conditions of Employment

Protection of terms and conditions of employment (as well as reimbursement of excess travel and relocation expenses), will apply as per national policy in the case of end of fixed term contract where an employee has more than four years continuous service. Where a displaced employee is redeployed to a post where protection does apply, the releasing line manager is responsible for paying the difference between the pay band grade of the post and the amount the employee is due from protection. It should also be made clear to the employee 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.

Protection of earnings does not apply to redeployment in the case of end of fixed term contract where an employee has less than four years continuous service. 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>).

10 Selection Decisions

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

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

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

Any subsequent offer made will be conditional upon all relevant pre-employment checks, as set out in NHS Grampian's Recruitment and Selection policy having been undertaken satisfactorily. The checks required will be the same as those which would otherwise be required in the case of an existing employee of NHS Grampian changing roles within the organisation as a result of having applied via the normal recruitment process, with the exception that references will not normally be required in the case of redeployment.

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

Where there are no matches from amongst all 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.

11 Trial Periods

A trial period of up to 12 weeks can be agreed if required, bearing in mind that there is a legal requirement to have a minimum 4 week trial period where redundancy is a possible outcome (see Appendix C).

The purpose of a trial period is to allow both the employee and the organisation to ascertain the suitability of the post. In such circumstances, a joint review meeting, attended by the line manager concerned, the employee and their representative and an appropriate member of the HR Team, will be convened towards the end of the trial

period, or sooner if requested by either party, at which the suitability of the post will be considered.

Where either NHS Grampian or the employee can substantiate the view that the post is unsuitable, the employee will revert to the Redeployment Register for a period appropriate to their length of service (see Section 6), less the period that they were on the Register prior to taking up the trial post.

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 by the Appointing Manager to the employee, in writing, following the meeting and copied to the HR Team.

During the trial period, the receiving manager will pay for the employee's salary at the rate of their substantive post. If the employee is disabled, for the purposes of the Equality Act 2010, and the trial post is at a higher pay band they will be paid the appropriate rate for the promoted post. If the trial is successful the employee will revert to the pay band/grade of the new post (where applicable). If the trial is successful and the employee is redeployed into a post of a lower banding, the releasing line manager is responsible for paying the difference between the pay band/grade of the post and the amount the employee's due from protection, where applicable (see Sections 7.5 and 9.5).

If the trial is unsuccessful, responsibility for the employee reverts back to the releasing line manager.

12 Temporary Redeployment

Displaced employees may be appointed temporarily, under their existing terms and conditions, 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.

13 Enforced Redeployment

If it is considered that an employee displaced due to the end of a fixed-term contract with more than four years service or due to organisational change, has unreasonably refused three suitable alternative employment opportunities to which they have been

matched, a decision may need to be taken to convene a meeting to consider enforced redeployment.

This will only take place following a face-to-face discussion and where NHS Grampian considers the post to be suitable alternative employment which the individual is capable of undertaking, or is potentially capable of undertaking with appropriate training and support. Such posts will be offered for a trial period and the provisions of section 11 will apply.

An employee's unreasonable refusal to accept an allocated post may result in termination of employment and jeopardise their entitlement to any redundancy compensation (if applicable). It may also result in the loss of earnings protection (only payable in cases of redeployment on the grounds of organisational change) if they are subsequently employed in a post that falls below the remuneration of their previous substantive post.

In either circumstance, the employee will have the right to challenge the decision through the relevant grievance procedure.

14 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.

15 Grievances

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

16 Review

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.

Employees will be encouraged to complete a Redeployment Process Evaluation Form (Appendix B).

Appendix A: Employee Profile Form

Personal Details

Title:		Forename:		Surname:	
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Home Address (incl. postcode):	
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Telephone Numbers:	Work:		Home:	
	Mobile:			

Email Address:	
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Reason for Redeployment:	Organisational Change/Capability – ill-health/Capability – performance/End of Fixed Term Contract (delete as appropriate)
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Please detail further relevant information, e.g. the health or performance reason for redeployment. This is to assist with job matching.	
---	--

Date commenced with NHS:	
--------------------------------	--

Date commenced with NHSG:	
---------------------------------	--

Date Displaced:	
-----------------	--

Current Post

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

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

Contracted hours of work/week:		Payroll No.:	
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Please provide a brief statement of duties and/or achievements in current post:

Current Work Pattern

Days worked	(describe number of days worked over a standard rota period, e.g. 5/7)		Monday/Tuesday/ Wednesday/Thursday/Friday /Saturday/Sunday (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 and associated payments)	
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Current Travel Arrangements

Current mode of transport to and from work:	
Distance from home to work:	
Current travel costs per week/month:	

Do you have a current full driving licence?	Do you have access to a vehicle?	Do you have a Lease Car?
Yes/No	Yes/No/Shared	Yes/No

Details of Previous Employment

Post:	Department/Organisation:	Brief Description of Duties/Responsibilities:

Qualifications, Skills and Experience

Please provide a brief list of qualifications:

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

Employment Options

Please list the type of posts you may be interested in, in order of preference:

1

2

3

4

Please provide your preferred hours/shift pattern:

Please list your preferred locations of work, in order of preference:

1

2

3

Do you have any other circumstances that should be taken into account, e.g. Special Class Status/Health Considerations/Disability:

Are you interested in opportunities with other related employers? Yes/No

Employee's signature:

Date:

Manager's signature:

Date:

To Be Completed by the HR Team

HR Caseholder:	
Designation:	
Date Displaced:	
Date Displacement Ends:	
Length of Displacement:	

Appendix 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 preferences helpful	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 redeployment	1	2	3	4	5	6	

	Strongly Agree	Agree	Not Really	Disagree	Strongly Disagree	Not Applicable	Comments
The Process (continued)							
I understood how redeployment would affect my terms and conditions	1	2	3	4	5	6	
The protection arrangements were explained clearly to me	1	2	3	4	5	6	
The effect of redeployment on my pension was clearly explained to me	1	2	3	4	5	6	
I was successful in obtaining my preferred option	1	2	3	4	5	6	
I felt that I was treated fairly during the process	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	
Managers before change	1	2	3	4	5	6	

	Strongly Agree	Agree	Not Really	Disagree	Strongly Disagree	Not Applicable	Comments
Support (continued)							
Managers after change	1	2	3	4	5	6	
Redeployment Coordinator	1	2	3	4	5	6	
Occupational Health	1	2	3	4	5	6	

<p>Are there any other comments you would like to make about the redeployment process?</p>

Please return the completed form to the Redeployment Coordinator at gram.redeployment@nhs.scot or Westholme, Woodend Hospital, Queens Road, Aberdeen, AB15 6LS.

Appendix C: Guidance on Matching

Posts which are an exact match

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

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

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

Posts which are not an exact match

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

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

Staff redeployed into an alternative post which is not an exact skills match will be entitled to a 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.

Appendix 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.

Draft Letter 1 – to be sent prior to displacement

Invite to Displacement Meeting [For Fixed Term Contract with less than one years service / and Proposed Termination of Contract]

Further to our discussion on <insert date> and in accordance with the NHS Grampian's Redeployment Policy, I invite you to attend a Displacement meeting with myself and <HR Rep>.

The purpose of this meeting will be to discuss <the advice of the Occupational Health Service/Capability on grounds of Performance/End of Fixed Term Contract/Organisational Change>. In this regard I enclose a copy of the NHS Grampian Redeployment Policy which we will discuss with you at the meeting.

[For Fixed Term Contract with less than one years service: At the meeting we will also discuss the prospective cessation of your employment on the grounds of the expiry of your fixed term contract. The procedure that will be followed is the Non Disciplinary Dismissal Procedure. In this regard I enclose a copy of the NHS Grampian Non Disciplinary Dismissal Policy.

The meeting will take place at <time> on <date> in <venue>.

You have a right to be accompanied by a trade union/professional organisation representative or a work colleague at all stages of the procedure. Should you wish to exercise your right in this regard you should advise me as soon as possible of the name, address and organisation of the person accompanying you.

If for any reason you are unable to attend this meeting please let me know as soon as possible in order for a more convenient date and time to be arranged.

If you have any queries please do not hesitate to contact me.

Yours sincerely

<Manager>

cc HR
Personal File

Enc NHS Grampian Redeployment Policy
[For Fixed Term Contract with less than one years service: NHS Grampian
Non Disciplinary Dismissal Policy

Draft Letter 2 – to be sent on joining the Redeployment Register

Displacement due to [Organisational Change / Capability / End of Fixed Term Contract]

Thank you for attending the meeting on <date> at <venue> with <manager, staff side>, and ourselves. [If **unaccompanied**: As you are aware you had the right to be accompanied by a trade union/professional organisation representative or a work colleague but you declined this offer.]

[I can confirm that you have been considered unfit by the Occupational Health Service to perform the core requirements of your post and as such you are entitled to 'displaced' status due to capability – ill health.] OR [I can confirm that as part of the formal capability process redeployment is being pursued and as such you are entitled to 'displaced' status due to capability – performance.] OR [I can confirm that you are entitled to 'displaced' status as your fixed term contract is coming to an end.] OR [I can confirm that you are entitled to 'displaced' status due to organisational change.] This displaced status means that you will be afforded preferential consideration for all posts within NHS Grampian, which are at your substantive band or one band below, for which you may fulfil the basic job requirements and for which you apply or have been matched to.

[For Fixed Term Contracts with less than one years service: In line with current NHS Grampian Policy, you can remain displaced (and therefore employed in the service) for up to 4 weeks from the date of displacement. Your period of displacement will therefore be from <date> to <date>. During this time you will be offered support to help identify alternative work opportunities.]

[For Fixed Term Contracts one or more years service: In line with current NHS Grampian Policy, you can remain displaced (and therefore employed in the service) for up to 3 months from the date of displacement. Your period of displacement will therefore be from <date> to <date>. During this time you will be offered support to help identify alternative work opportunities.

[For Fixed Term Contracts with less than 4 years service and Capability: Failure to secure a post during this 3 month period may result in the termination of your contract of employment.] **[In Fixed Term Contracts with service over 4 years and Organisational Change:** As there is an NHS Scotland-wide 'No Compulsory Redundancy' position currently in operation, should you be unsuccessful in securing a post after 3 months your time on the redeployment register will be extended. However, in the event that suitable opportunities are being highlighted that you do not progress it will be appropriate to discuss the next steps, which could include the potential for enforced redeployment.]

[For Organisational Change: As your displacement is due to organisational change you will suffer no detriment to your terms and conditions of service should the post you

secure be at one grade below or fewer hours than your substantive post. Staff should, however, be aware that as they are being paid for these hours they may be asked to work them.]

[For Organisational Change: If you are redeployed to a post where protection does apply, you 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 your protected terms and conditions of employment.]

You will be afforded preferential consideration for all posts within NHS Grampian for which you may fulfil the basic job requirements and for which you apply or have been matched to. You should be aware, however, that from time to time, specific groups of posts might be open only to a specific group of staff in line with the NHS Grampian Organisational Change Policy. Please be assured that a) this will only occur where it is deemed to be fair and appropriate by Management and b) such decisions would always fully involve Staff Side.

[For Disabled employees: You should also regularly check the internal vacancies shown on the internet. Redeployment does not usually provide preferential consideration for promoted posts; however, as you are disabled for the purposes of the Equality Act 2010, consideration may be given to vacant posts at a higher band where you meet, or have the potential to meet, the essential requirements of the person specification. When applying for any vacancies please mark 'Displaced' on the application form.

[For all other employees: You should also regularly check the internal vacancies shown on the internet. When applying for any vacancies, at your current band or one band below, please mark 'Displaced' on the application form. Redeployment does not provide preferential consideration for promoted posts; you may apply for posts that are of a higher band but with no preferential treatment being afforded.

You are in receipt of a Profile Form, which should be completed jointly with your manager and returned within one week of receipt of this letter. The Profile Form will include information on your present working hours, present and previous job experience and your preferences regarding where you would like to work. The purpose of this is to help us identify posts that may be suitable for you across NHS Grampian.

Your details will be placed on the NHS Grampian Redeployment Register. Should you have any queries please contact the Redeployment Coordinator by email on gram.redeployment@nhs.scot.

[For Fixed Term Contract with less than one years service: At this meeting we also discuss the prospective cessation of your employment on the grounds of the expiry of your fixed term contract. We discussed that [funding/maternity cover/career break cover] was the reason for the fixed term nature of the contract of employment and I

confirmed that [no further funding is available at this time/the substantive post holder is due to return]. I therefore confirm the decision that your contract of employment be terminated on the grounds of expiry of fixed term contract in the event that you do not secure a post by <date>. Your entitlement to contractual notice equates to four weeks which will run concurrently with the end of your fixed term contract. This means that your final date of employment with NHS Grampian will be <date>; all outstanding annual leave must be used prior to this date.

[For Fixed Term Contract with less than one years service: As NHS Grampian is terminating your contract, you have the right to appeal against this decision; any notice of appeal should be in writing and should be sent to <name>, HR Manager, Westholme, Wooded Hospital, Aberdeen AB15 6LS within 10 working days of the date of the letter. Your letter of appeal must include the reason why you are appealing against this decision.]

Should any of the above be unclear to you, and/or if you require any information at any time during your time on the register please do not hesitate to contact myself, the Redeployment Coordinator gram.redeployment@nhs.scot, the HR Hub on 52888 or gram.hr@nhs.scot, or alternatively your Staff-Side representative.

Yours sincerely

<HR>

Cc Redeployment Coordinator
Manager
File

Enc NHS Grampian Redeployment Policy