

# Trust Guide to Managing Alternative Employment

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## Introduction

### 1. Who does this guide apply to?

This policy applies to all staff employed by the Trust, including those staff on a leave of absence e.g. maternity, adoption, long term sick. It does not apply to Trust Board Directors, agency staff, bank workers, external secondees temporarily working with the Trust or other individuals who are not directly employed by the Trust. It will be applied consistently and equitably to all staff.

### 2. What is Alternative employment?

The Trust recognises that its employees are its single most important asset and therefore is committed to retaining skills and knowledge through effective workforce planning. It is recognised there may be circumstances where employees can no longer continue in their current role. Alternative employment is the process we will follow together to help and support you in identifying alternative employment opportunities when you can no longer continue in your current role.

You will not be given preferential consideration for jobs at a higher band than your current band but you may apply under the normal recruitment and selection process.

### 3. How will it be identified that I cannot continue in my current role?

Through the management of your health, your performance, through organisational change, restructuring, redundancy or TUPE that affects your role. Each of these will be managed in accordance with the appropriate Trust guide.

### 4. At what point is the decision made to place me on the alternative employment register and how long will I remain able to consider opportunities?

<b>Subject /Policy</b>	<b>When</b>	<b>How long?</b>
Sickness / Capability	When it has been identified that you are no longer able to undertake the requirements of your substantive post	For the notice period you would receive from the Trust as a minimum
Organisational Change Restructuring Redundancy	When you have been formally notified when your post is at risk and your contractual notice has been issued	For the notice period you would receive from the Trust
Other circumstances including TUPE	Where it is mutually agreed that alternative employment is beneficial to all parties	Through discussions but not normally expected to exceed notice period you would receive from the Trust
Performance Management	Where it is mutually agreed by both parties that alternative employment is appropriate	Through discussions but not normally expected to exceed notice period you would receive from the Trust
Fixed term contract (over	Following a meeting as	Through discussions but

2 years)	outlined in Fixed Term Contracts & Temporary Workers Policy (Ending the Contract) the member of staff will be placed on the alternative employment register.	not normally expected to exceed notice period you would receive from the Trust
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## 5. What happens when I have been identified for alternative employment?

You will be provided with a copy (via email if possible) of the Trust's Alternative employment request form to complete. You may wish to include an up to date CV detailing your skills, knowledge and experience. This will be used to record your details on the Trust's alternative employment register. You will need to complete the form and return to the HR Advisor at earliest opportunity or within 5 working days.

### Identifying alternative posts

## 6. What do I need to do whilst on the alternative employment register?

You will be required to, as part of the process, to regularly look at either the Trust's recruitment website ([www.jobs.sath.nhs.uk](http://www.jobs.sath.nhs.uk)) or NHS jobs ([www.jobs.nhs.uk](http://www.jobs.nhs.uk)) for any potential vacancies actively seeking suitable alternative employment. If you identify a possible post that has already been advertised, you are responsible for bringing this to the attention of the Recruitment Team and Human Resources as soon as possible.

You will need to fully participate in the alternative employment process, attend meetings and provide relevant information as required including completion of an Alternative employment Form for inclusion on the alternative employment register.

You will be expected to take a flexible approach and give full consideration to all potentially suitable vacancies. You will need to liaise with recruiting managers and be open and honest about the reason you are seeking alternative employment. In cases of health issues or disability this information must be limited to the requirement for any reasonable adjustments required to fulfil the role at the selection stage.

## 7. What if I see a job that is outside the Trust – can I apply?

You are free to apply for any vacancies that appear on NHS Jobs or other external jobs. The Trust cannot influence external recruitment decisions but we will do all we can to support you, for example time off to attend interview (redundancy situations only), application forms, help to prepare for interviews, KIT days to attend training .

## 8. What opportunities will the Trust tell me about?

The Recruitment Team will inform you when they have been able to match your information with the essential criteria of any job in your salary band or one band below that is about to be advertised.

## 9. Will I only be informed of permanent posts?

No, you will be informed of fixed term positions as well as permanent posts. However you remain on the alternative employment register during the temporary alternative employment with a view to securing you a permanent post or additional temporary post.

**10. How will the Trust tell me that opportunities have been identified?**

The Recruitment Team will contact you via the avenue you have specified on your Alternative Employment Form. You will have three working days to respond back to them whilst the vacancy is placed on hold. If you have not expressed an interest in the role within 3 working days the vacancy will be advertised in line with normal recruitment processes.

**11. What happens next if I wish to be considered for the position?**

Once you have told the Recruitment Team that you wish to consider the opportunity, they will pass on your contact details to the recruiting manager. They will make contact with you to arrange a mutually convenient time to discuss the opportunity informally. This allows the recruiting manager to assess your suitability for the post and to establish whether you meet (or will meet with relevant support and/or training) the essential criteria in the person specification, within a reasonable timeframe. Where this is the case the recruiting manager will arrange for you to commence a trial period. If the role you are being considered for requires an up to date DBS check the recruiting manager will need to inform the Recruitment Team. The substantive department should cover the cost, unless agreed otherwise.

**Work Trials**

**12. What is a work trial?**

This is a period of time in which you would perform the role to determine the suitability of the post for both you and the manager. During this period the manager will hold reviews with you to monitor progress and allow discussion on the suitability of the alternative employment. If the role is not suitable then, with agreement, the trial period will cease early.

In cases of alternative employment due to ill health then it may be necessary for Occupational Health to become involved to assess the suitability of the role. Consideration should be given to any adjustments necessary on grounds of disability, ill-health or impairment.

During the work trial period you will be set clear objectives which will be reviewed regularly by the recruiting manager. During this time you will be given every opportunity to ensure you are able to fulfil the requirements of the role adequately.

**13. How long will the work trial be for?**

In normal circumstances a trial period of up to four weeks will be conducted in an alternative employment situation to assess suitability of the new role. Until the end of the trial period you will remain on the establishment of the substantive department. If appropriate, the vacancy manager may consider a graduated work pattern if health reasons require this and this will be discussed and agreed with you. In exceptional circumstances, the Trial period may be shortened or extended where more time is required to assess individual's suitability.

**14. What happens if a work trial is not deemed suitable for me?**

If you deem that a work trial is not suitable you will need to provide justification for this to the Recruiting manager and HR Advisor supporting your case.

If the Recruiting manager deems the work trial is not suitable, they will need to provide justification for this and provide you with feedback to support their decision. In both circumstances the HR Advisor supporting the case will need to be notified in writing confirming the decision.

You, along with your existing line manager and recruiting manager, will be responsible for keeping an alternative employment diary of the posts considered and offered.

**15. What happens if other redeployees are interested in the same post?**

Where more than one individual on the Alternative employment Register matches the essential criteria for the personal specification for the role, it will be necessary for all individuals to be interviewed in a competitive interview in accordance with the Trust's normal recruitment process.

**16. Will I still be notified of other alternative employment opportunities whilst I am on a Work Trial?**

Whilst on a work trial you will remain on the Alternative employment Register and continue to be notified of other potential vacancies. However a discussion will need to take place with the recruiting managers and relevant HR Advisor to discuss in more detail.

**17. Who will pay my salary during the work trial period?**

During the alternative employment period and throughout the work trial, your substantive employing department will continue to pay your salary. If you are not in work and have exhausted all of your sick pay your substantive manager will need to notify Payroll of your trial period. This will ensure that you receive payment whilst carrying out your trial period. For other circumstances such as being on maternity leave please contact the HR team for advice.

**18. What happens if the work trial is successful?**

Once a work trial has been successfully completed and all parties are in agreement, you will receive written notification from the Recruiting Manager and be confirmed in the new post. Your new manager will complete the ESR paperwork and liaise with Pay Services.

**19. What happens if the work trial is not successful?**

If during the trial period it becomes apparent that the new role is unsuitable for you or you fail to meet the performance standards required, despite appropriate training and supervision, the trial will be ended. In these circumstances you will return to your original department and remain on the alternative employment register for the remaining agreed duration or until a hearing is held to decide a permanent resolution. The agreed duration will not be extended as a result of work trials not being successful.

**20. Will I be eligible for travelling expenses whilst on a work trial?**

If the reason you are on the alternative employment register is as a result of Organisational Change, restructuring or redundancy, excess travel payments, over and above your normal travel to work expenses, shall be payable in line with the Trust Protection of Pay (Trust

Reorganisations) Policy. (These arrangements do not apply to any circumstances other than those set out in this answer). This will be for the duration of the work trial and payment will be made by your substantive employing department.

**21. How do I report my absence if I am unable to attend work whilst on my work trial?**

You should report your absence following your normal reporting procedure to your alternative employment Line Manager and substantive Line Manager in accordance with Managing Attendance & Employee Wellbeing Policy.

**22. What is expected of me as a substantive Manager?**

As a substantive manager, you are required to support your member of staff through the alternative employment process enabling work trials to take place. During this time you will be expected to remain in contact with your member of staff and liaise with identified recruiting managers. You, along with the employee, will be responsible for keeping an alternative employment diary of the posts considered and offered.

**23. What is expected of me as a recruiting Manager?**

You should respond positively to requests from HR/Recruitment Team to accommodate employees from other areas who are seeking alternative employment and are unable to continue in their current contractual role. This may be due to health issues, organisational change or a performance management issue.

You will be required to review the details of the redeployee alongside the requirements of the post, as detailed in the Job description and Person Specification. If the member of staff meets the minimum essential criteria, or will do with relevant and reasonable training and support, an informal meeting should be arranged. This will be to discuss the position and ask any questions you feel necessary to understand if they may be suitable for the role. If the individual is not considered to be suitable for the role or does not match the minimum essential criteria you will be expected to substantiate your decision, feed this back to the employee and provide justifiable reasons in writing to the HR Advisor supporting the case.

If the employee is considered to be suitable for the work trial you will need to set clear objectives which you can review regularly with the employee. Should the trial be successful you will need to inform the substantive manager, complete the relevant ESR forms, liaise with Pay Services and confirm this in writing. If they are considered unsuccessful you will be expected to substantiate your decision, feed this back to the employee, their substantive manager and provide justifiable reasons in writing to the HR Advisor supporting the case. You will then need to inform the Recruitment Team that the post needs to be advertised.

Where issues arise during the trial period you should discuss these with the individual at the time, and not wait until the end of the trial period.

**24. How many offers of suitable alternative employment will be offered to me when I am on the alternative employment register?**

You will not be offered alternative employment unless suitable posts are identified. Where suitable posts are identified we will continue to offer you these throughout the duration of the

agreed timescales. However, you must meet the essential criteria for the post in order to be considered.

### **Conclusions**

#### **25. Will I be entitled to Pay Protection if the alternative employment is successful?**

Pay Protection may apply if you are redeployed as a result of Organisational Change, Restructuring or Redundancy. Pay protection will not apply for redeployment for ill health, disciplinary, performance or requested by the individual or their representative. Please refer to Protection of Pay Policy.

#### **26. What happens at the end of the alternative employment process?**

If after the agreed alternative employment period no suitable alternative employment opportunities have been identified or you have failed to complete any work trials successfully or you have refused to accept any suitable work trials then continued employment may be considered under the relevant Trust policy, this may include consideration to terminate your contract of employment.

#### **27. Will my terms and conditions of service change if I secure a suitable alternative post?**

The terms and conditions of service will be specific to the post in terms of hours and base location however your continuous service date, annual leave entitlement and sick pay will remain the same.