

Shropshire Community Health

NHS Trust

Policies, Procedures, Guidelines and Protocols

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2	August 2018	Re-name of document to Policy and Procedure. Removal of agreements (to sit within the recruitment team) Re-write to provide clarity on the procedure for managers and employees.
3	July 2022	Document reviewed. No amendments made.
4		
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Contents

1	Introduction	4
2	Principles	4
3	Scope and purpose	4
4	What is a secondment?	4
5	Application for secondment and approval	5
6	Covering the employee's post during secondment	8
7	Payroll and costs during a secondment	9
8	Organisational change during a secondment	10
9	Appraisal/development review/revalidation during secondments	10
10	Terms and conditions during a secondment	10
11	Appeal	10

1 Introduction

- 1.1 Shropshire Community Health NHS Trust (the Trust) is committed to the continuing development of employees. Opportunities for secondments of staff arise across a broad spectrum of disciplines, within the Trust and externally.
- 1.2 All are becoming increasingly common as the NHS, the education sector and other public sector organisations adopt more innovative, collaborative and flexible employment practices. Consequently employees are encouraged on a more regular basis to take up such opportunities which are beneficial in that they enhance skills, broaden experience, and provide added potential for career development and progression.
- 1.3 This procedure has been developed to provide guidance and support to facilitate the secondment approval process and on-going management of the process for internal and external secondments of Trust employees.

2 Principles

- 2.1 The principle of this Policy is to ensure that secondment requests are considered in an equitable, fair and effective manner that balances both the needs of the Trust and the rights of the employee.
- 2.2 Although each secondment will vary in nature the underlying principle of every secondment must be to pursue the professional development of the employee in the context of meeting the current and future needs of the Trust.

3 Scope and purpose

- 3.1 This policy applies to all employees of the Trust.
- 3.2 This policy does not apply to staff on training courses where a separate process applies.
- 3.3 This policy does not apply to 'acting up' arrangements or to situations related to organisational change.

4 What is a secondment?

- 4.1 A secondment is a temporary formal transfer of an employee from their substantive post to another post within the Trust or in another organisation. The duration of the secondment will be clear from the start and there is an expectation that the transferred employee will return to their substantive post and the end of the secondment.
- 4.2 Secondments will arise from formal recruitment processes and should not be confused with temporary 'acting up' or specific projects agreed within the scope of substantive roles due to urgent business need.
- 4.3 Secondment opportunities generally fall into three categories:
 - An internal secondment to another post/department/service/Directorate within the Trust.
 - A Trust employee being seconded to an organisation outside the Trust.

- A non-Trust employee being seconded to the Trust from an external organisation.

4.4 For the purposes of this policy the following terms related to secondments are defined as:

Seconded – an employee of the Trust who has entered into a secondment agreement, either within the Trust or at an external organisation.

Substantive post - the Employee's ordinary job role and main purpose of employment with the Trust. The post from which a secondment is made. The Substantive Manager is the line manager of the substantive role.

Seconded role – the post within which a secondeed will temporarily provide services as defined by the role's job description.

Substantive Employer – the employer where the secondeed's substantive post is established and the organisation to which they remain in an employment contract.

Host Employer – the organisation offering the secondment opportunity, for which the secondeed will provide services as an employee of the substantive employer. Secondees will at no time enter into an employment relationship with the host employer while the secondment is in effect.

Eligibility to apply

4.5 The following eligibility criteria apply to secondment opportunities:

- To apply for a secondment opportunity the Trust employee needs to have been in their current post for a period of 12 months. In exceptional circumstances this may be less, however Human Resources advice must be sought in those cases. If a secondment opportunity becomes permanent it must be advertised as a vacancy in line with the Trust's Safer Recruitment Policy.
- A secondment opportunity should be for a period of over 3 months and not more than 1 year. An extension to a secondment needs prior discussion and agreement with the secondeed's original line manager before any approach is made to the secondeed. No secondment may be open ended.
- The Trust would not normally support an employee currently on secondment applying for another secondment opportunity or if an individual has completed a secondment in the last 12 months.

5 Application for secondment and approval

- 5.1 Employees considering applying for a secondment should, prior to application, seek approval from their existing line management. This will help give clarity should the employee wish to continue with the application and speed up the process if the employee is successful.
- 5.2 Prospective secondees should consider and provide evidence to their line management the following when applying for a secondment:

- How does the potential secondment meet the developmental needs of the individual?
 - Upon completion of the secondment how do the developmental objectives benefit the future operational requirements of the organisation?
- 5.3 Approval for secondments will not be unreasonably withheld however prior to approval line managers should consider the impact of the secondment on departmental and service needs.
- 5.4 The substantive line manager will confirm approval or non-approval of a secondment request in writing.
- 5.5 The decision to refuse to allow a secondment should take into consideration the questions at 5.2 and that the service provision would not be adversely affected by the secondment (taking into account what temporary alternative arrangements might be put in place to cover the absence) and will not be detrimental to service needs or patient care. The eligibility criteria in Section 4 must have been met.
- 5.6 Reason(s) for refusal need to be put in writing to the employee. Advice can be sought from Human Resources
- 5.7 For internal secondments, once pre-authorised and successful at application, and on completion of the relevant pre-employment checks, all parties involved in the secondment (i.e. substantive manager, host manager and secondee) will need to agree the commencement date and duration of the secondment. Notice periods would not be expected to be of a longer duration than the employee's normal notice period, although in some circumstances a longer notice period may need to be negotiated, taking into account how easy it will be to fill the vacancy left by the secondee).
- 5.8 For secondments to external organisations approval given at the pre-application stage is approval in principle only, with final approval being subject to the Trust's satisfaction that the prospective host employer and secondee can meet the terms of the secondment agreement.
- 5.9 All parties will also need to agree arrangements for the substantive manager to remain in communication with the secondee, plus any other terms related to internal secondments
- 5.10 Secondees should remain in the seconded post for the duration of the secondment unless there are exceptional circumstances which prevent the secondee from doing so. If the secondee decides they no longer wish to remain in the secondment, this needs to be discussed in the first instance with the secondment manager and their original line manager.

Internal secondment

- 5.11 There may be circumstances where, due to pressures in the seconded employee's original service area, the duration of the secondment would need to be reduced. In these circumstances this can be done, but would need to be discussed with the secondment manager in the first instance and a reasonable notice period be given, normally one month. The notice period should be the same for the secondee in the event they wished to cease the secondment.

- 5.12 All employment matters such as Discipline, Grievance, Sickness and Performance should be dealt with by the manager of the secondment opportunity with Human Resources support and advice as necessary. Depending on the issue, advice should also be sought from Human Resources as to whether it is appropriate to inform the original line manager.
- 5.13 The personal file will transfer to the secondment manager and upon completion of the secondment, the file would return to the original line manager.

External secondment

- 5.14 It is the responsibility of the external employer to arrange a release date in consultation with the Trust manager and the employee with due regard to any recruitment processes that take place.
- 5.15 The line manager should ensure they have a contact name and number in the external organisation.
- 5.16 Pay Services may also need to be involved in relation to implications for pay and benefits and how these will be managed whilst the employee undertakes the external secondment.
- 5.17 The line manager should liaise with their finance support with regard to the payment processes for the secondment in line with the criteria laid out in the secondment agreement.
- 5.18 The Secondment Manager would not hold the employee's personal file for the duration of the opportunity and would need to send a copy of any paperwork to the original line manager in the Employing organisation as applicable. Towards the end of the opportunity (and at least one month before the end), discussions with the secondee and their employer should be held to determine the transfer back to their original job. These talks should also include the time-scale involved, and any other specifics as necessary. If the opportunity is to be extended, the Trust's line manager's agreement needs to be sought as soon as possible and before the secondee is approached.

Secondment into the Trust

- 5.19 Managers should follow the Trust's Safer Recruitment Policy to ensure equal opportunities apply during recruitment and selection.
- 5.20 Managers must make it clear in the advert the duration of the secondment and that agreement must be sought from the applicant's current employer in advance of applying.
- 5.21 The recruitment team will undertake the necessary pre-employment checks and the line manager should not start the individual in the post until all such checks are complete.
- 5.22 Employees from external organisations should be accepted on secondments to Trust posts on terms no less favourable to the Trust than those outlined for the secondment of the Trust's own employees.
- 5.23 At no time shall individuals seconded from external organisations be recognised as employees of the Trust during the period of their secondment.

- 5.24 The same principles should apply in the expectation of how Trust employees would work at an external organisation as for individuals seconded from external organisations to the Trust.
- 5.25 Before commencing the secondment the Trust line manager should ensure a secondment agreement is signed up to by the Trust, the employee being seconded and the external organisation. (see also 5.21)
- 5.26 The Trust's line manager would be responsible for the employee during the period of the opportunity. In the event of any employee' issues arising the usual policies and procedures of the Trust will apply, however, managers should also consult with Human Resources in terms of any joint working arrangements that may have already been agreed with that organisation and/or detailed in the secondment agreement.
- 5.27 If the opportunity is to be extended, the line manager (from the external organisation) will need to seek agreement as soon as possible and before the secondee is approached. (This should be made explicit in the Secondment Agreement).

Relevant documentation

- 5.28 The line manager should complete the appropriate ESR Change form to notify the workforce systems team that the employee is being seconded, either to an internal post or to another organisation. The ESR form should be clear with regard to the start and end dates of the secondment.
- 5.29 The recruitment team will draw up the relevant secondment agreement in liaison with the line manager.
- 5.30 Where an external secondee from outside of the Trust is seconded into the Trust, the secondee's substantive employer will draw up the secondment agreement. The line manager should liaise with recruitment, Human Resources and their finance support in this situation before signing the agreement.
- 5.31 For external secondments, Substantive Managers will continue to be responsible for the collection and authorisation of absence data, annual leave booking requests, expenses approval and maintaining any record related to the employees employment as if they remained in a role at the Trust.
- 5.32 For internal secondment administrative activity will be the responsibility of the manager of the seconded post.

6 Covering the employee's post during secondment

- 6.1 If a manager has agreed that an employee can apply for a secondment and the employee is successful, the line manager will have a short-term vacancy in their team.
- 6.2 This can be covered in a number of ways:
 - a) By recruitment on a temporary contract to cover all or some of the hours of the post at an appropriate grade. The reason for the temporary contract must be made clear in any advertisement.

- b) Advertising within the secondee's own department to see if anyone currently working part-time wanted extra hours for the duration at an appropriate band. (Please liaise with recruitment/HR)
 - c) Offering a secondment for some or all of the hours of the post internally and /or externally. Normal recruitment processes will apply.
 - d) By skill-mixing within the team on a temporary basis.
- 6.3 Managers can discuss the advantages and disadvantages of the above further with Human Resources.
- 6.4 Once this has been arranged details should be confirmed in writing to the person(s) covering the work (and/or those affected by the changes) so that they are aware of the nature of the contract/agreement, the terms and conditions, and the date it will cease as appropriate. If the person(s) taking on the work are at a different salary to the employee undertaking the secondment, the appropriate remuneration for the work being done should be considered by the original line manager. (If a secondment is being offered to cover this, the manager should make it explicit in the agreement).

7 Payroll and costs during a secondment

- 7.1 Seconded employees will remain on the Trust's payroll system for the duration of their secondment.
- 7.2 For internal secondments it is expected that post holders will be placed in the budget for the established post to which they are being seconded to avoid unnecessary internal recharges.
- 7.3 For external secondments Substantive Managers should liaise with their finance support to ensure that all recharges for costs related to the employment and administration of the secondee during their secondment are recovered. (Please refer to secondment agreement).
- 7.4 For internal secondments Substantive Managers are responsible for change forms confirming the secondment and placing the secondee in the relevant established post and cost centre.
- 7.5 Secondments must incur no financial cost to the substantive employer or substantive budget, all costs associated with a secondment must be borne by the budget for the seconded role (internal) or by recharge/ invoice (external). For external secondments all costs associated with the secondment must be made clear in the agreement.
- 7.6 It is recognised that there may be some opportunity cost or backfill cost during transition to and from a secondment but these should normally be offset by the benefits of employee development as a result of the secondment process. Excessive opportunity cost or back-fill cost could form part of a reason to refuse a secondment on business grounds.

8 Organisational change during a secondment

- 8.1 If the seconded role becomes redundant, the employee will return to their substantive post having been given the appropriate notice.
- 8.2 In the event that a secondees substantive post becomes affected by organisational change such as redundancy or TUPE they retain the same rights as other affected employees (such as being party to all communication, engagement and consultation processes related to the change). (In this instance the Trust's policy on Organisational Change may apply and managers should seek advice from Human Resources).

9 Appraisal/development review/revalidation during secondments

- 9.1 The 12 month appraisal cycle will continue during a secondment. Substantive Managers have a responsibility to provide an appraisal for the secondees.
- 9.2 The appraisal should be facilitated in conjunction with the manager of the seconded role, who would be expected to directly contribute to that proportion of the appraisal period related to the secondment.
- 9.3 For revalidation purposes it remains the employee's responsibility to identify a suitable appraiser as part of the on-going revalidation process.

10 Terms and conditions during a secondment

- 10.1 The terms and conditions for secondees during a secondment will remain the same as those in effect prior to the initiation of the secondment, that is with the exception of those terms that vary by nature of the Seconded Role (such as salary, base, hours of work etc).
- 10.2 Any enhancements or protection arrangements that were a result of employment in the secondees substantive post will not be paid during the secondment. For the purposes of time limited protection arrangements the duration of the secondment will count as time spent in the appropriate protection period, but no payment will be made in relation to this time (i.e. the pay protection period will end as originally intended).
- 10.3 Upon completion of a secondment the secondees will return to their substantive post on terms and conditions comparable to those that would have been in place as if they had remained in their substantive post for the duration of the secondment.

11 Appeal

- 11.1 Where secondments or extensions to secondments, are refused Employees have the right of appeal. Employees must notify the appropriate Service Manager of their intention to appeal within 5 working days of the decision been made and notified in writing to the employee. Appeals must be made in writing stating the reason(s) for the appeal.