

Heriot-Watt University

Redeployment Policy and Procedure in Relation to Ill Health and Disability

1. Aim

The aim of this policy is to provide for the fair and consistent treatment of employees who, through ill health or disability, are no longer capable of fulfilling their contractual duties. The policy, procedure and guidance applies to all employees of the University.

2. Disability Discrimination Act

This Policy takes account of the Disability Discrimination Act 1995 (as amended) and, along with the Policy on Equality and Diversity, any subsequent reviews will, in general and in practice, operate and adhere to the provisions of the Act.

3. Reasonable Adjustments

Prior to embarking on this process managers, in association with the Human Resources Adviser, must determine whether any reasonable adjustments can be made to the existing workplace and/or duties. Adjustments may involve reduction in hours, changes to work patterns or physical adjustments to the work environment. Advice will be obtained from Health and Safety Advisers and Occupational Health services.

4. Responsibilities

The main parties involved in the process, and their responsibilities are:-

The employee: - will be expected to be positive and proactive in seeking suitable alternative employment within the University;

The employee's Manager: - will make every effort to identify suitable alternative employment within their Section/School and all other University Section/Schools

All other University Departments and Heads of School: - will be expected to consider redeployment applications fairly and objectively and also take positive steps to ensure as far as is practicable that any proposed redeployment is successful by providing appropriate training, support and regular reviews

The Human Resources Department: - will co-ordinate the implementation of this policy and the corporate redeployment search, and advise on any issue as deemed appropriate.

The Trade Unions: - will actively participate in the process and support the spirit of the scheme to ensure its successful application.

5. Assessing Continued Employment

If a manager considers that an employee is no longer capable of fulfilling all of their contractual duties following a long-term absence due to ill-health, or if an employee becomes disabled, the line manager should inform their HR Adviser who will follow the procedure as outlined below.

The employee will be referred to Occupational Health to advise on the long term effect on capability in relation to job performance and attendance at work. Confirmation will be sought on the employee's incapacity and suitability for ill health retiral, or any further reasonable adjustments to their duties or environment and criteria for any suitable alternative employment.

On receipt of an Occupational Health medical report by HR, the employee will meet with their manager and the Human Resources Adviser to discuss the options available. A third medical opinion may be sought where appropriate, from an Occupational Health Practitioner registered with the appropriate Pension Fund or the employee may be requested to allow the University to contact his/her doctor in order to establish the likely length of absence.

A Redeployment Questionnaire will be completed by the employee following this meeting, the purpose of which is to gather relevant information about their current post, previous employment history and note preferences of alternative duties or areas of work. It is the responsibility of all parties concerned to identify all suitable alternative vacancies:

- The manager must scrutinise all vacant posts within their own section/school
- The Human Resources Adviser will arrange for the Vacancy list to be issued to the employee
- The employee must notify their Human Resources Adviser if they identify a suitable vacancy.

Every effort should be made to obtain suitable alternative employment within the employee's own Section/School, in the first instance.

Trade Union involvement will be encouraged throughout this process and the employee should be encouraged to exercise their right to be accompanied to meetings. If employees are not affiliated to a Trades Union they may be accompanied by a colleague.

6. Seeking Suitable Alternative Employment out with the Employee's Section/School

If the employee's Section/School has no suitable vacancies, then the employee and Manager, in conjunction with the Human Resources Adviser, will seek suitable alternative vacancies in other areas within the University.

To facilitate the above, employees will be included in a Central Register held within Human Resources. Employees will remain on the registrar for a period of 3 months and each case reviewed at the end of this time. The Human Resources Adviser will include a copy of the Redeployment Questionnaire to be cross matched with any new vacancies prior to advertising.

All vacancies must be examined against the Central Register ensuring that due consideration has been given to employees seeking suitable alternative employment. Where it becomes apparent that this has not happened then the Director of Human Resources will have the authority to freeze the recruitment process should an employee's skills match those of a vacancy.

There is no set time limit on the register, however, reasonable time will be given to try to obtain suitable alternative employment, generally this will be dependent on the individual's contract and their eligibility for sick pay. When it has been concluded that no suitable alternative employment can be found, and the University's Occupational Health medical adviser has confirmed that ill health retiral is not a consideration, then the employee will have the option of terminating employment and receiving payment for their notice period* or to remain in service for the duration of their notice period.*

****(1 week for every year of service, max 12 weeks, 4 week being the minimum – subject to the provision of Statute 25 where this applies)***

7. Offer of Suitable Alternative Employment

If suitable alternative employment is identified, then the Human Resources Adviser will meet with the manager or Head of Section/School to establish the employee's suitability for the post. If the employee meets the essential criteria or can meet the essential criteria with a reasonable level of retraining, or any reasonable adjustments or modifications, then this will be considered to be suitable alternative employment.

At this point an informal meeting will be arranged with the employee and Human Resources Adviser to discuss the suitability of the post. A letter will then be issued to the employee by HR, which must contain the following information:-

- Date of Interview
- Job Description
- Additional information on the new section/school
- Training Plan, if appropriate

7.1 Interview

An interview will be arranged with the manager recruiting for the vacant post or Head of Section/School with a Human Resources Adviser in attendance. The purpose of the interview is to finalise the following:

- the suitability of the vacancy
- the limitations of the employee's skills and any reasonable adjustments/modifications required to the work environment or pattern of work or short term phased reintroduction.
- training needs requirements.

If the employee is a suitable match for the post, then a further medical referral to the University's Occupational Health will be required. The purpose of this will be to ensure that the new post will not aggravate the existing medical condition and that taking up this position will assist the employee in providing regular, efficient attendance at work. On receipt of this confirmation a new Conditions of Employment Statement will be issued. It should be noted that there is no protection of salary, and that the employee will be given the salary appropriate for the post into which they are to be redeployed.

If there are several employees on the Central Register who match the criteria for a

vacancy then a competitive interview for these employees only will be arranged. Unsuccessful employees will remain on the Central Register.

7.2 Review Meeting

If suitable alternative employment is found, the employee is entitled to a review meeting with the new manager and the Human Resources Adviser after four weeks of taking up the new post. In exceptional circumstances, there may be agreement for a further review meeting to be arranged. The purpose of this review meeting is to establish that appropriate training has been highlighted and completed to address any minor training/knowledge gaps, along with an assessment of any new additional reasonable adjustments required.

During this period employees will remain on their previous salary and terms and conditions, up to a maximum of 12 weeks. This will be changed, where appropriate, when a new employment contract is issued for the new post.

8. Refusal of Suitable Alternative Employment

If the employee refuses an interview for, or an offer of, suitable alternative employment then written confirmation of the reasons for this decision must be provided to the Human Resources Adviser within one week of the interview. Employees will be reminded that should no other suitable alternative vacancies arise and all options are exhausted, they may be dismissed on the grounds of lack of capability or ill health.

9. Ill Health Retiral

An employee may be referred for retiral on the grounds of ill-health following examination by the University's Occupational Health service. This referral follows either:-

- A period of ill health where suitable alternative employment cannot be sourced
- The employee requests in writing to Human Resources to be considered for ill health retiral. This will be dependent on meeting criteria from the appropriate pension funds.

The same procedure should be followed in each case.

Procedure for all Ill Health Retirals

Upon receipt of a medical report recommending ill-health retiral and completed documentation from the University's Occupational Health practitioner, the manager will send a letter to the employee asking them to attend a formal meeting to discuss the content of the report, and the meeting will be attended by an HR Adviser. Human Resources will write to the employee confirming the ill health retiral date and will include information on pay in lieu of notice, annual leave and pension where appropriate.

An employee who is retired/dismissed on grounds of ill health is entitled to receive annual leave pro rata to the date of termination.