

SECONDMENT POLICY

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CONSULTATION AND DISTRIBUTION RECORD	
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CHANGE RECORD			
Date	Author	Change	Version No.
May`18	Deputy HRD	GDPR statement added into section 3 and updated name of Data Protection Act	1
August 2022	Head of HR Policy and Governance	Updated JPF membership, review date and returning after secondment arrangements. Added “or equivalent” to “general manager” references	2

1. INTRODUCTION

NHS Lanarkshire strives to be an exemplary employer of staff who are flexible and adaptable. NHS Lanarkshire is a constantly changing organisation and, as services change, the skills needed to deliver services also change. As a learning organisation, NHS Lanarkshire recognises the value of secondment for both the employee and the organisation.

By placing employees in different work situations, secondment offers the opportunity for individuals to develop new skills or enhance existing skills, enabling NHS Lanarkshire to develop and retain experienced, skilled and valued employees. Furthermore, by developing and sharing skills within and across NHSScotland and partner organisations, it is recognised that secondment helps such organisations to modernise and adjust to service changes, to the overall benefit of NHSScotland.

This policy has been developed in partnership with local trade union/professional organisation representatives. It reflects the best practice identified in, and meets the minimum standards set out in, the Secondment Partnership Information Network (PIN) Policy.

2. AIM, PURPOSE AND OUTCOMES

The aim of this policy is to provide clear guidance to staff and managers regarding secondments so that staff applying for and undertaking secondments are treated fairly and consistently.

3. SCOPE

The policy applies to all directly employed staff with NHS Lanarkshire who apply for or subsequently undertake a secondment for a defined period to another role either within NHS Lanarkshire or within another host organisation.

All employees within NHS Lanarkshire should have equal access to this policy irrespective of age, sex, disability, ethnicity/race, marital or civil partnership status, sexual orientation, religion or belief, pregnancy or maternity or gender reassignment.

NHS Lanarkshire takes care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure, and confidential. In order to find out more about current data protection legislation and how we process your information, please visit the Data Protection Notice on our website at www.nhslanarkshire.scot.nhs.uk or ask a member of staff for a copy of our Data Protection Notice.

4. PRINCIPAL CONTENT

4.1 Advertising and applying for a secondment

4.1.1 Adverts for secondment opportunities must be unambiguous. Where a post is advertised as a secondment opportunity the recruiting manager cannot subsequently

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convert the vacancy into a fixed term contract. Employees of NHS Lanarkshire must obtain their line manager's support before applying for a secondment and an Authorisation of Secondment form (appendix 1) must be completed. Permission to take up a secondment will not be unreasonably refused and the line manager is expected to make every effort to accommodate secondment requests. Where the request for secondment is supported, the accountable manager is responsible for ensuring that a suitable vacancy is retained for the individual once the secondment has ended. **Individuals will be expected to return to either their substantive role or to a suitable alternative, as identified by their line manager. Individuals will not routinely be added to the redeployment register, other than in circumstances such as those outlined in para 4.9.9.**

4.1.2 Where the request for secondment is not supported by the individual's line manager the individual can request a review of this decision by the appropriate general manager or equivalent. The individual will be offered a meeting, within fourteen days of the original decision, with the general manager or equivalent and their accredited staff side representative. HR advice should be sought prior to this meeting. The decision following this meeting will be provided to the individual within five working days of the meeting. If the general manager or equivalent does not approve the secondment opportunity the applicant can ask for a paper review by the appropriate executive director, whose decision will be final. The decision following the final review will be notified to the individual within five working days of the review.

4.2 Definitions and types of secondment

For the purposes of this policy secondment can be defined as the temporary loan of an employee to another organisation, or to a different part/post of the same organisation, for a specific purpose and for a specific time, to the mutual benefit of employees and NHSScotland generally.

There are three types of secondment:

- Internal secondment (i.e. within NHS Lanarkshire)
- External secondment within NHSScotland (i.e. to another NHS Board); or
- External secondment (e.g. to Scottish Government, local authority, trade unions, professional organisations and the voluntary sector).

Suitable secondment opportunities

Secondment appointments may be made on a part-time or full-time basis and can be used in a variety of circumstances, as illustrated below:-

- To facilitate partnership working;
- To develop individuals or groups of individuals, personally and professionally;
- To provide training/experience and/or skills within another area;
- To increase self-confidence/competence;
- To share expert resources between and within organisations;
- To address the absence of a substantive post holder e.g. maternity leave or long-term sickness absence;
- To facilitate or enhance a particular project or research;
- To enable an employee, in agreed circumstances, to remain with their employer and retain specific benefits e.g. remuneration and pension; or

- To assist in succession planning.

4.3 Definition of Secondee

An employee of NHS Lanarkshire who is seconded to a different role either within NHS Lanarkshire or with a host organisation, which may or may not be another NHSScotland Board.

4.4 Definition of Accountable Manager

The “accountable manager” may be the direct line manager of the secondee or may be at a higher level where the substantive line manager is not the budget holder. The accountable manager may assign some of the responsibilities detailed within this policy to the direct line manager, where this is a different individual. However, the accountable manager will have overall responsibility for ensuring that such responsibilities are carried out appropriately.

4.5 Definition of Host Manager

The “host manager” is the manager who will be responsible for management of the secondment role itself. The host manager may be from within NHS Lanarkshire or within the different host organisation, depending on whether the secondment is to a role within NHS Lanarkshire.

4.6 Definition of Host Organisation

‘Host Organisation’ is the term used within this policy to identify the organisation to which a secondee has been seconded, where the secondment is to a different organisation. The host organisation may or may not be another NHSScotland Board.

4.6 Secondment Agreements

Secondment agreements must be completed, authorised and signed by the necessary parties in advance of the secondment commencing, as detailed below.

In the case of a secondment to a different organisation:

- A secondment authorisation between NHS Lanarkshire and the secondee should be completed and signed by both parties. (see appendix 1)
- A secondment agreement between NHS Lanarkshire and the host organisation should be completed and signed by both parties. (see appendix 2)

In the case of secondment which remains within NHS Lanarkshire:

- A secondment authorisation should be completed by the accountable manager of the secondee. There is no requirement for a secondment agreement to be completed.

4.7 Keeping in Touch

Keeping in touch with secondees throughout the period of secondment is essential. Arrangements for this should be clearly documented within the secondment agreement. The responsibility for this will be mutual. The accountable manager will act as the contact point and keep the secondee up to date with developments regarding the secondee’s substantive role.

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Account must be taken of individual requirements, including:

- Appraisal;
- Maintaining professional registration;
- Consulting on restructuring or proposed departmental change; and
- Retraining requirements on return to the substantive post.

Examples of keeping in touch might include:

- Mailing lists – remaining on the list for team communications; and
- Attendance at regular team meetings.

For longer-term secondments, account must be taken of the potential for skills lost, skills gained, changing work practice, changing cultures and new technology. Successful keeping in touch will minimise the impact of these matters.

4.8 Appraisal/Personal Development Planning and Review (PDPR) Arrangements

Appraisal/PDPR arrangements must be explicit within the secondment agreement, taking into account the requirements of different professional groups, including information regarding Revalidation.

In addition to the above, there is a specific requirement in relation to performance management arrangements for executives and senior managers with regard to pay, which must be followed in accordance with the relevant Circular(s) in operation at the time of the secondment.

It is the responsibility of NHS Lanarkshire's Remuneration Committee to ensure that, for Executive and Senior Management Cohorts, performance objectives are set and agreed in a systematic manner with proper records maintained. In addition, it is the responsibility of NHS Lanarkshire's Remuneration Committee to ensure that the performance of all such secondees is formally assessed at the end of the performance period. In order for NHS Lanarkshire's Remuneration Committee to discharge its responsibilities, it is essential that the seconding organisation ensures that the performance management process has been applied for the seconded, and it is the responsibility of the host organisation to inform the seconding organisation of the outcome.

4.9 Terms & Conditions of Employment

4.9.1 In circumstances where NHS Lanarkshire seeks to second an employee, that seconded is entitled to maintain their terms and conditions of employment except where agreed otherwise.

4.9.2 At the end of all secondments individuals will be expected to return to their substantive role or to a suitable alternative role as identified by their manager. Individuals will not routinely be added to the redeployment register, other than in circumstances such as those outlined in para 4.9.9.

4.9.3 In circumstances where an employee seeks a secondment opportunity, the advertised terms and conditions will apply. The employee should be made aware of any changes this may mean for their pay or terms and conditions.

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4.9.4 Where the terms and conditions of the secondment opportunity are more generous than those applying to the secondee's substantive post, the terms and conditions of the secondment post will apply for the secondment period. For secondments outside the seconding organisation, any alterations to the employment contract, including to pay or other terms and conditions of employment, need to be fully discussed and agreed, and detailed in the secondment agreement.

4.9.5 Where secondment is to a post of a higher grade, at the end of the secondment the secondee will go back to a post on the terms and conditions that would have applied had they not been on secondment. Credit will be given for time spent at a higher grade in the event of any subsequent promotion, where appropriate.

4.9.6 Time spent on secondment with another employer within or outwith the NHS will not affect continuity of employment and associated terms and conditions.

4.9.7 For some secondees, the statutory requirements for maintenance of professional registration must be explicit within the secondment agreement. For example, secondments outwith the NHS may require a return to NHS duties for short periods during the term of the secondment to ensure continuing professional registration.

4.9.8 Secondment opportunities should generally be allowed to run their course, in line with the terms of each individual secondment agreement. However, the accountable manager within NHS Lanarkshire reserves the right to recall secondees prematurely if required in exceptional circumstances. Termination of the secondment, prior to expiry at its agreed end date, will normally be subject to an agreed period of notice, as stipulated in the secondment agreement. In this situation, the terms and conditions of the original post will apply when the secondee returns to the employer. Any extension to the secondment proposed must be by mutual agreement of all parties.

4.9.9 Secondees should be aware that, in some circumstances their substantive post may be subject to organisational change. In those circumstances NHS Lanarkshire's local policies on Organisational Change and Redeployment will apply.

4.9.10 Other than during organisational change, the policies and procedures of the host Board will apply.

5. ROLES AND RESPONSIBILITIES

5.1 Secondees

- To ensure that authorisation has been provided by their accountable manager prior to applying for a secondment opportunity;
- To ensure that they understand what will happen at the end of the secondment;
- To adhere to their obligations as set out in the secondment agreement, including keeping in touch with their accountable manager to allow for exchange of information and how they perceive the secondment to be working out for them; and
- To participate in an evaluation of learning following completion of the secondment to ensure that newly developed knowledge or skills can be identified and used to the benefit of the service.

5.2 **Accountable Manager**

- To ensure that a suitable vacancy is retained for the secondee in their departments/service once the secondment comes to an end;
- To consider all secondment requests and only refuse a request if there are clear, demonstrable business reasons why it is not practicable. Reasons for refusal should be communicated to the employee in writing with a record of refusal and its reason;
- To retain responsibility for the ongoing management of the secondee's contract of employment during the period of the secondment in line with the secondment agreement;
- To ensure that, prior to commencement of a secondment, the appropriate secondment agreement has been completed and the following points have been taken into account:
 - Clear reasons identified for the secondment including identification of the benefits for the individual and the organisation;
 - Replacement costs and arrangements for cover if necessary;
 - Clear agreement on the start and finish dates. Secondments may vary in length, usually between three months and two years, depending upon the circumstances. However, the period of secondment must be agreed and clearly defined in the secondment agreement;
 - In circumstances where the employee's substantive role may not be available for their return, then this must be understood and agreed by the accountable manager and the secondee prior to the commencement of the secondment, or at the time of any subsequent proposed extension. It is the responsibility of the accountable manager to ensure that a suitable post is available for the individual at the end of the secondment. Where the substantive post is subject to change during the secondment, NHS Lanarkshire's organisational change and redeployment policies will apply. In all cases the accountable manager should seek guidance from HR;
 - The need for the employee to fully understand any terms and conditions implications;
 - Training needs during and following a period of secondment;
 - Arrangements for appraisal/PDP&R completion during the secondment;
 - Relevant statutory requirements for maintenance of professional registration;
 - Arrangements to keep in touch with the secondee on a regular basis and to consult them on any proposed changes to their substantive post during the term of the secondment; and
 - Clear arrangements for return of the secondee to their substantive post or a suitable alternative, where it is agreed, as above, that they will not return to their substantive post.
- To fulfil their agreed obligations under the secondment agreement, including:
 - Keeping in touch with the secondee during the secondment; and
 - Informing the host organisation (or the relevant line manager where the secondment remains within NHS Lanarkshire where there is a need to terminate the secondment earlier than agreed.
 - Ensuring that a return to work interview takes place with the secondee; and
 - Ensuring that an evaluation of learning is undertaken following completion of the secondment in order that newly developed knowledge or skills can be identified and used to the benefit of the service.

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5.3 Host manager

- To fulfil their agreed obligations under the secondment agreement, including:
 - Liaising with the secondee's accountable manager in order to have input to any appraisal outcomes/performance issues; and
 - Liaising with the secondee's accountable manager on any proposal to change, terminate or extend the secondment.

6. RESOURCE IMPLICATIONS

None identified

7. COMMUNICATION PLAN

This policy will be launched using the weekly staff briefing and it will be available on Firstport.

This policy will also be discussed at the appropriate management team meetings and local partnership fora.

Staff within HR will be briefed on the content of the policy.

8. QUALITY IMPROVEMENT – Monitoring and Review

This policy will be reviewed every 3 years via the Joint Policy Forum.

NHS Lanarkshire will, in partnership, monitor applications for, and use of, secondment on an ongoing basis with a view to ensuring the fair and consistent application of this policy. The information to be gathered in this respect will include, but will not be exclusively limited to, the data collected by the designated coordinator. This information will be used as part of the review of the policy.

9. EQUALITY AND DIVERSITY IMPACT ASSESSMENT

This policy meets NHS Lanarkshire's EDIA



(tick box)

10. SUMMARY

This policy provides guidance for staff and managers on secondments, so that staff applying for and taking secondments are treated fairly and consistently. Specifically, it covers:

- How to apply for a secondment;
- Definitions of terms;
- How to keep in touch and
- Relevant terms and conditions

11. REFERENCES

- Secondment Partnership Information Network (PIN) Policy
- General Data Protection Regulations 2018

12. **APPENDICES**

- Appendix 1 – Authorisation of Secondment
- Appendix 2 – Secondment Agreement

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Authorisation of Secondment

Section 1. *(to be completed by applicant)*

Current details

Name _____

Post _____ Band _____

Division/Directorate _____

Department _____

Base _____

Section 2. *(to be completed by direct line manager)*

Application supported _____ YES/NO

If no, please state reason _____

Signature _____ Date _____

If yes, please complete section 2.

Details of proposed secondment

Host Organisation _____

Post _____

Base _____

Purpose & benefits of secondment _____

Duration of secondment _____

Will the secondee be replaced? _____

If so, please detail costs & arrangements _____

Any additional costs of secondment, if approved _____

Signature of applicant _____

Signature of line manager _____

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Section 3. *(to be completed by General Manager or equivalent)*

Application approved _____ YES/NO

If no, please state reason _____

Signature _____

Date _____

Section 4. *(Medical Staff only)*

Application approved _____ YES/NO

If no, please state reason _____

Signed *(Medical Director)* _____

Date _____

Section 5. *(Nurses, Midwives & AHPs only)*

Application approved _____ YES/NO

If no, please state reason _____

Signed *(Director of*

NMAHPs) _____

Date _____

Section 6. *(to be completed by Director of Finance)*

Application approved _____ YES/NO

If no, please state reason _____

Signed _____

Date _____

Section 7. *(to be completed by Director of Human Resources)*

Application approved _____ YES/NO

If no, please state reason _____

Signed _____

Date _____

This form should be returned to the applicant who should then arrange with Human Resources for a secondment agreement to be completed.

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Appendix 2

Secondment Agreement

This secondment agreement is to be completed in accordance with the secondment policy. It only applies to external secondments outside of NHS Lanarkshire.

Purpose of Secondment

[Details appropriate to secondment to be completed]

Secondment Job Title

Your Job Title will be _____

The duties of your post are as outlined in the job description attached. This is not an exhaustive list of your duties and responsibilities and may be varied as appropriate to your secondment and band or grade and following prior consultation with you.

Base

Your base will be _____

Your post may involve travelling outwith your main seconded base for the proper performance of your duties and for which you will receive appropriate reimbursement of expenses.

Hours

Your normal working hours will be _____ per week.

Your normal working days will be _____

You may be requested on occasion to work additional hours, any request will be consistent with the agreement on Working Time Regulations.

Secondment Period

Start date _____ End date _____

Performance Appraisal

Normal appraisal arrangements will apply during the period of secondment. Appraisal of performance will be undertaken by (host employer) in consultation with NHS Lanarkshire.

TERMS AND CONDITIONS

The terms and conditions for this secondment will be those as detailed in your substantive contract of employment. Any variations to these conditions are detailed below: (delete as appropriate)

Remuneration

The remuneration and Band for the duration of this secondment are as follows

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Notice

A minimum of _____ notice in writing will be given and is required in the event of early termination of secondment by either party.

Sickness Absence, Annual Leave, Public Holidays

Arrangements for the reporting of sickness absence will be as agreed with _____

You will retain your current entitlement to annual and public holidays subject to local arrangements. Any variations to this are detailed below.

Employee Conduct and Capability

Any concerns regarding your conduct and/or capability will be brought to your attention by (host employer) and if necessary will be dealt with in accordance with the host organisation's Disciplinary Procedure. However, if your employment is likely to be terminated as part of disciplinary proceedings, this must be carried out by your employer.

Employee Dissatisfaction Procedure

If you seek redress of any grievance relating to your seconded employment, you should communicate your grievance, in writing, to your immediate manager identified under the secondment arrangements. If the matter is not settled at this level you may pursue it in accordance with the host organisation's procedures. Copies of the relevant procedure are available from the host organisation's Human Resources Department.

Health and Safety

Both _____ and _____ have a mutual responsibility.

During the term of secondment the employer's duty of care will be the responsibility of _____

CONFIDENTIALITY

Obligations Arising from Data Protection Legislation

Particular regard should be given to your responsibility to abide by the principles of current data protection legislation. Further information is available from the Data Protection Officer.

General Obligations

Similarly no information of a personal or confidential nature concerning (host employer) _____ should be divulged to anyone without the proper authority having first been given. If you are in any doubt whatsoever as to the authority of a person or body asking for information you must seek advice from the identified manager.

Failure to Comply with Obligations

Failure to comply with these obligations will be regarded by your employer as serious misconduct that could result in disciplinary action being taken against you including dismissal. You may also be liable to prosecution for an offence under data protection legislation or an action for civil damages.

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Keeping in touch and return to work arrangements

The following arrangements will apply: (see section 4.7 of the policy)

HOST ORGANISATION

NAME: _____

ADDRESS: _____

We agree the secondment of the above named in accordance with the conditions set out in this agreement.

Name: _____ Position: _____

Signature: _____ Date: _____

NB - where the secondment is taking place at the Scottish Government a Scottish Government Inward Secondment Schedule must be signed by the Director of Finance.

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Name: _____ Position: _____

Signature: _____ Date: _____

SECONDEE

Name: _____ Position: _____

Signature: _____ Date: _____