



Employee Transfer Process Guidance



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Contents:

1.0	Introduction	Page 3
2.0	Benefits of Employee Transfer	Page 3
3.0	Minimum Criteria for a Transfer	Page 4
4.0	Exclusions	Page 4
5.0	Voluntary Employee Transfer Process	Page 4
6.0	Employer Initiated – Involuntary transfer Process	Page 5
7.0	Employee Induction to New Role (Voluntary & Employer Led transfer)	Page 6
8.0	Appeal Against Transfer	Page 7

Employee Transfer Process Guidance

1.0 Introduction

The aim of this process is to ensure that employee transfers are dealt with in a fair, equitable and transparent manner so that the Care Inspectorate has the right people, in terms of qualification, skills and ability, in the right place at the right time to meet business need.

This guidance document is applicable to those employees in generic posts of the same grade, job family and core duties, such as Inspectors, Team Managers, Senior Inspectors, and Business Support positions. This process allows staff in those posts to request a transfer to a vacancy in another business area prior to external recruitment taking place. The process also provides details of the employer initiated process to follow to fill any vacant positions to meet the exigencies of the service, if required.

All other requests from employees seeking a voluntary change of role should be dealt with in line with the Recruitment and Selection policy, for example, where an employee wishes to apply for a promoted post.

It should be noted that this process is different from redeployment. The Redeployment Guidance will be used where there is a need to find permanent suitable alternative employment in the following situations:

- for employees who may be affected as a result of being displaced due to required workforce change;
- for an employee following a formal disciplinary process where redeployment is identified as an appropriate outcome;
- or when an employee may be unable to carry out the duties of their role due to ill health, disability or capability, and reasonable adjustments are required.

There are two processes set out in this employee transfer guidance document as follows:

- A Voluntary employee transfer process;
- An Employer Initiated transfer process.

In the interests of meeting our organisational objectives whilst working in the spirit of our organisational values the Care Inspectorate will always seek volunteers for a transfer of team via the voluntary employee transfer process, where possible. This will allow employees seeking a sideways career opportunity to develop their skills and knowledge in a new specialised area. A transfer window will be available for those expressing an interest in a transfer of team prior to vacancies being advertised externally (see Voluntary Employee Transfer Process). Employees who are requesting a transfer as a reasonable adjustment to their disability or a flexible working request should be given priority, where appropriate.

The Care Inspectorate will use the employer initiated transfer process only where there is a genuine business need to do so. There is a mobility clause in an employee's

contract of employment which allows employees to be deployed to meet the exigencies of the service, where necessary. Where this process is used, it should be noted that any transfer will only be for a temporary period of 6/12 months and consultation will take place with the Partnership Forum and employees. Some examples of the reasons why this may be necessary include:

- The need to fill vacancies when there has been insufficient interest from employees to transfer on a voluntary basis or via an external recruitment campaign;
- An increased workload in a particular specialism;
- A requirement to meet a statutory business need; or
- Sickness or short-term secondment leading to the need to temporarily cover work in a particular specialism.

Workforce planning will be considered on a regular basis by the appropriate Directorate management team. Where the process involves roles in the Scrutiny and Assurance directorate, the National Planning Team will also be involved to identify the location of vacant positions. Any employer initiated transfers will be undertaken in consultation with the Partnership Forum and employees (see employer initiated transfer process).

2.0 Benefits of Employee Transfer

The benefits of employee transfer between specialisms include:

- Increased flexibility within each of the operational teams.
- Identifies knowledge, skills and experience – can be used for developmental purposes in order that any skills gaps are addressed and improved.
- Opportunity for employees to explore each area of work and build up their knowledge and experience.
- Motivates employees to deal with new challenges.
- Job variation increases satisfaction and helps to develop a sense of belonging to the Care Inspectorate.

3.0 Minimum Criteria for a Transfer

- A vacancy must exist in the receiving area.
- Employees new to the post will have worked in their current area for a minimum of 6 months.
- All reasonable adjustments or flexible working arrangements must be fully declared and agreed by the recruiting manager prior to the transfer being agreed.
- The timing of the transfer must be negotiated and agreed between the current and recruiting line manager. It would be expected that the maximum time prior to a transfer taking place would be approximately 6 weeks.

4.0 Exclusions

Where an employee is currently under formal absence management, disciplinary or capability management, they should be unable to move under the transfer process. All

pre-existing warnings must have expired with relevant improvements demonstrated prior to any transfer, unless prior approval has been sought from the relevant Director.

5.0 Voluntary Employee Transfer Process

In the first instance, the voluntary employee transfer process will be used, where appropriate. A 'transfer window' will open for all internal inspection and business support posts for a period of 5 – 15 working days prior to a vacancy being advertised externally, at any given time. The National Planning Team will support the identification of the location of all vacant posts in relation to Scrutiny and Assurance posts.

All employees will be invited to submit a 'transfer request' for the vacancy. This form will detail the employee's skills, qualifications, geographical location and professional experience. Where identified posts are in the Scrutiny and Assurance directorate, professional experience should be relevant to the appropriate specialism (e.g. adults or childrens experience). The transfer request will be used to consider the employee for the position.

The employee must have discussed the proposed transfer with their own line manager before submitting a transfer request. An employee's line manager will also have to provide a reference on the reference section of the transfer request.

The transfer request and line manager's reference will be used to select the most suitable employee for the role. This process will be undertaken by the relevant management team. HR are also available to support this process.

A meeting will be arranged with the selected employee and the recruiting manager. The appropriate Senior Manager/Service Manager may also be in attendance. The purpose of the transfer meeting is for the employee and recruiting manager to meet and discuss the role. It offers the recruiting manager insight into the employee's skills, experience and professional abilities and gives the employee an opportunity to gain a greater understanding of the role.

In exceptional circumstances, where more than one employee meets the criteria for a transfer and it is not possible to differentiate between them, an interview will be used to select the most suitable employee for the role. The employees would be notified of what the interview process will entail.

Feedback would be provided to any employees who are not selected for a transfer.

6.0 Employer Initiated – Involuntary transfer

All generic contracts (such as those named above) within the Care Inspectorate allow for deployment in order to meet business need. Our objective is to create a fair and equitable process in which to do so whereby the Partnership Forum and employees are involved. It is predicted that this process will only be required on rare occasions. Where possible, the Care Inspectorate will always seek volunteers in the first instance in line with the above detailed process, however, there will be occasions where an employee is required to move team to meet the exigencies of the service, such as where there has been insufficient interest in an advertised position.

If this is the case we will engage with the Partnership Forum in the first instance to advise of options that have attempted and to consider alternative options around filling vacant or necessary posts. Following which consultation will take place with employees.

In the first instance the geographical location and specialism of the vacant post will be identified by the appropriate management team. This information will be used to identify a potential pool of employees who would be suitable to transfer to the position.

Where only one employee is identified as suitable for the post, the appropriate senior manager and line manager should consult with the employee to gain his/her involvement and input into the process. The employee will be given full details of the intended transfer and their personal needs (such as medical or health conditions, childcare requirements, carer responsibilities, travel distances, worklife balance etc) will be taken into consideration. If a move is agreed, the employee will be issued with up-to four weeks written notice of the transfer and the change will be confirmed in writing.

Where more than one employee has been identified as suitable for the post in terms of the agreed criteria, we will engage in a consultation process for a period of approximately 4 weeks. All employees within the geographical location and specialism will be invited to a consultation meeting with the relevant Senior Manager/Service Manager where they will be consulted on the move to a different team. The consultation process will set out the proposal, seek employee's views and explain the business needs. Minutes will be taken at all meetings and employees will receive details in writing. HR would help the management team to support this meeting.

Prior to consultation meetings taking place the HR team will pre-populate the transfer request form for all employees identified within the transfer pool. The employee will be provided with the form and invited to provide any further information in relation to the transfer. This will be used to select an employee to move to another team. The criteria for determining the most suitable candidate for the move will include:

- Qualifications
- Skills
- Professional experience (in relation to posts within the Scrutiny and Assurance directorate, professional experience must be in relation to the specialism which the organisation needs to fill e.g. adults or children inspection)
- Geographical location.

As part of the decision-making process the skill mix of each team will need to be taken into consideration and therefore the criteria will be determined on a case by case basis. Discretion will be used to select an employee for a transfer taking into account how long the employee has been in the role for, the reasonableness of moving an employee (including personal needs), the materiality of the change and the genuine business need for the move. The employee will be given full details of the intended transfer. The final decision would be made by the Directorate management team based on the genuine business needs of the organisation.

An employee selected to move will then be issued with up-to four weeks written notice of the transfer and the change will be confirmed in writing.

The senior manager will confirm the outcome of the transfer process initially to all employees in the identified group.

All employees who are transferred via the Employer Initiated transfer process will be transferred on a temporary basis for a period of 6/12 months which will be reviewed with the line manager on a frequent basis.

7.0 Employee Induction to New Role (Voluntary and Employer-initiated process)

All employees who have moved team via the voluntary transfer or employer-initiated transfer process will be provided with the relevant training and settling-in period to the role in order that they need to perform the tasks of the role appropriately.

When an employee is transferred the previous line manager should provide a summary of any relevant details to the new line manager.

The new manager will also have access to the employees LEAD details within the LMS portal to ensure that the change of team and manager continues as smoothly as possible.

8.0 Appeal Against Transfer

Employees can appeal against being selected for transfer. Appeals are only possible if:

- an employee believes they have been unfairly disadvantaged by the method used to select them, and
- the circumstances led to the employee being wrongly selected for transfer.

The appeal will be heard by a member of the Executive Team or Senior Management Team, who will recommend one of the following courses of action as its final decision:

- The appeal is not upheld and no further action is required.
- The appeal is upheld. This means we must review the selection decision for the employee and use the result of this to make a revised selection decision.