

# SECONDMENT POLICY

Policy reference – LCCGHR05

SUMMARY	This policy facilitates the temporary deployment of CCG staff both internally and externally within the wider NHS and exceptionally with other non NHS Bodies.
AUTHOR	eMBED Health Consortium HR Team
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APPLIES TO	All employees
APPROVAL BODY	Social Partnership Forum consulted with prior to approval by the Remuneration and Nomination Committee
RELATED DOCUMENTS	Recruitment and Selection Policy Establishment Control Policy
REVIEW DATE	February 2023

### VERSION CONTROL SHEET

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status</b>	<b>Comment</b>
1.1	04/11/2013	Hannah Morris	draft	Consultation with Trade Unions via the Leeds Area Social Partnership Forum
1.2	09/01/2014	Hannah Morris	Final	GR
1.3	10/01/2018	HR Team	Draft	Updates in regards to GDPR
2.0	31/05/2018	Ian Corbishley	Draft	Review of policy and amendments made
	05/09/2018	CCG Task and Finish Group	Draft	Full review of policy with transition to a single CCG with additional input from Workforce and Diversity Management Group (WaDG) Task and Finish Group.
	12/12/2018		Draft	Approved by Social Partnership Forum

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## **1. PURPOSE**

1.1 This policy facilitates the secondment of Clinical Commissioning Group (CCG) employees internally within the CCG, externally within the wider NHS and exceptionally with other non NHS Bodies. It is also designed to encourage staff from external organisations to take up a secondment where available within the CCG, for the mutual benefit of both organisations. This policy should be read in conjunction with local guidance, associated policies and the secondment toolkit (which contains documentation to support the secondment process).

1.2 Secondment is advantageous by:

- enabling movement of employees to areas requiring short-term / temporary resource
- directing expertise where it is most needed
- supporting “joined up” working and service improvement through cross CCG/NHS/non-NHS organisations
- supporting employee development and flexibility of employment
- strengthening a culture of flexibility
- attracting employees who are flexible and keen to develop
- developing and sharing skills and knowledge within and across organisations

## **2. SCOPE**

2.1 This Policy will apply to all substantive employees within the CCG. Secondment opportunities are available to all substantive employees of the CCG, any application would be subject to management approval.

## **3. EQUALITY STATEMENT**

3.1 In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation. In addition, the CCG will ensure that employees and job applicants are not unreasonably discriminated against on the basis of other characteristics including socio-economic status, offending background, political affiliation and trade union membership. A single Equality Impact Assessment is used for all policies and procedures.

## **4. ACCOUNTABILITY**

4.1 The Chief Executive is accountable for this policy.

## **5. DEFINITIONS**

5.1 Secondment

A working arrangement where there is a move for a temporary period, to a post either within or external to the NHS. It is a temporary move where the secondee's substantive post remains. In a situation where the substantive post is no longer available, at the end of the secondment post, the employee will be entitled to return to the employer in a role commensurate with their substantive post.

- 5.2 **Seconded**  
The employee is referred to as the seconded for the purposes of the Host Employer and is not fully integrated into the Host organisation
- 5.3 **Employer**  
The organisation that employs the employee under a contract of employment.
- 5.4 **Host**  
The organisation that assumes some responsibilities for the seconded as defined in the Secondment Agreement for the secondment period. The employee is referred to as the seconded for the purposes of the Host Employer.
- 5.5 **Partner Organisation**  
An external organisation to which the organisation's employee is seconded.
- 5.6 **Organisation**  
NHS Leeds Clinical Commissioning Group.

## **6. TYPES OF SECONDMENTS**

### **6.1 Internal**

Internal secondments occur when staff are seconded within the CCG. This can be in the same department/directorate, or to another area of the CCG. These posts will be advertised in accordance with CCG policies and procedures, unless there are exceptional circumstances agreed, and in partnership with staff side representation when appropriate.

### **6.2 External NHS**

External NHS secondments occur when a member of staff is seconded to another NHS organisation.

### **6.3 External non-NHS**

External non NHS secondment opportunities may become available in a number of organisations/sectors, e.g. Social Services, other local authority departments; Educational establishments

Secondments may also arise as a result of integrated service delivery between internal, external NHS organisations or external non-NHS organisations.

## **7. CATEGORIES OF WORKING ARRANGEMENTS**

Managers considering alternative or new working arrangements should seek advice from both HR and Finance to assess the implications of implementing change and where appropriate consult the CCG's other policies and guidance. Working arrangements (not including flexible or contract type) vary but the main ones adopted by Leeds CCG are listed below:

- Aligned - work priorities are aligned towards supporting a particular system.
- Assigned - post is assigned to work in a particular system but is managed by the employing organisation.
- Embedded - post is embedded in another organisation in the health system for a period of time and is managed by that organisation.
- Seconded - leave post to work elsewhere in the system for a time limited period and post holder has the right to return to the substantive employer.
- Transferred - role transfers to another employer and post holder transfers with it.
- Recruited - a post exists or is created that is appointed to through a recruitment process.

## **8. IMPLEMENTATION AND MONITORING**

- 8.1 The Remuneration and Nomination Committee is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be shared with staff in the e-bulletin and will be available on the website.
- 8.2 The policy and procedure will be reviewed periodically by the Workforce and Diversity Management Group in conjunction with human resource representatives and trade union representatives where applicable. Where review is necessary due to legislative change, this will happen in a timely manner.
- 8.3 NHS Leeds CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCG's Data Protection and Confidentiality and related policies and procedures.

## **9 RESPONSIBILITIES**

- 9.1 Working relations are vital for the CCG to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

If the CCG act as Host the CCG shall:

- ensure that any agreement is checked, liabilities assessed, and appropriate approval sought
- liaise with the Employer in respect of remuneration, financial and management issues
- provide any information, documentation, access to its premises and employees and assistance (including but not limited to giving witness evidence) to the

Employer to deal with any management issues concerning the Secondee whether under the Employer's internal procedures or before any court of tribunal

- allow the Employer to deal with any management issues concerning the Secondee during the Secondment Period, where relevant following consultation with the Host;
- retain day-to-day control of the Secondee's activities

## **9.2 Employees**

9.2.1 It is the responsibility of employees to ensure that:

- They follow the principles in this policy and sign the secondment agreement to formalise arrangements.
- They familiarise themselves with and abide by the terms of the agreement

## **9.3 Line Managers**

9.3.1 It is the responsibility of line managers to ensure that:

- All secondment requests are considered in line with this policy.
- Requests should only be refused if there is a clear, demonstrable business reason why this is not practical.
- They understand the employment liabilities and responsibilities of agreeing to a secondment arrangement
- They facilitate the fulfilment of the requirements of the employment contract

## **9.4 Human Resources Team**

9.4.1 The Human Resource representative will provide advice and support on all aspects of this policy to ensure application and implementation.

9.4.2 The HR representative can provide assistance with the Secondment Review Process.

## **10. PRINCIPLES**

10.1 Secondment requests will be considered in line with business needs and may be refused on that basis. Employees must complete a secondment application form stating the reasons why they wish to undertake the secondment, giving due consideration to personal and organisational benefits and outcomes i.e. gaining new skills and experiences which can be brought back to the organisation, developing wider networks, understanding different organisational contexts etc.

10.2 Staff who enter into secondment agreements will be asked to sign a secondment agreement outlining the terms and parameters of the secondment in advance of the secondment starting.

10.3 Any individual who agrees to undertake a secondment will be expected to keep any information, which may be made available to them as a direct result of the secondment, (e.g. personnel, salary, business sensitive information) confidential.

- 10.4 Employees on secondment with an external organisation will retain all of their continuity of service rights with the employing organisation.
- 10.5 Staff who undertake a secondment will be entitled to return to their substantive post on completion of the secondment. Should the substantive post be subject to organisational change this will be dealt with in line with the normal organisation procedure.
- 10.6 The duration of a secondment will vary depending on the circumstances. However the minimum is 3 months and a maximum 24 months with exceptions to be arranged with the relevant line manager and support from Human Resources.
- 10.7 Guidance and support can be provided by HR and Finance to line managers

## **11. INTERNAL SECONDMENTS**

- 11.1 Where a department within the Organisation identifies that a secondment opportunity exists, consideration should be given to the length of the secondment, any training required and the skills set or specialist knowledge required of staff undertaking the secondment.
- 11.2 Depending on the nature of secondment, the vacancy will either be advertised in line with the organisation's Recruitment policy, or, a request will be made directly to the relevant department if the secondment requires specialist skills or knowledge.
- 11.3 There is no explicit obligation on a line manager to release an individual but proper consideration should be given to such a request. Any refusal to allow an individual to accept a secondment opportunity should be carefully considered and the potential long term benefits to the Organisation should not be overlooked. An explanation should be given to the employee if a request is refused.
- 11.4 Once agreed, the line manager will liaise with the departments to facilitate an agreement and agree what parameters will be applied to it. The line manager will then liaise with the HR representative to develop the secondment agreement.

## **12. EXTERNAL SECONDMENTS**

- 12.1 If the secondee is from an external organisation, the individual's line manager will liaise with the organisation to facilitate an agreement and agree the parameters involved, detailing very clearly the agreed funding arrangements. The individual's line manager will then liaise with the HR representative to develop the secondment agreement.
- 12.2 Where an individual manager is approached by an external organisation regarding a secondment opportunity for an employee, advice should be sought from the HR representative. If the secondment is feasible, the line manager will facilitate the agreement between all parties involved, and then liaise with the HR Representative to develop the secondment agreement.
- 12.3 Where an employee wishes to pursue a secondment opportunity with an external organisation they should approach their manager indicating that they wish to apply

for an external secondment.

- 12.4 Agreement must be reached on how the individual's salary will be paid and which body will be responsible for meeting any additional expenses such as training/ course fees, travel and subsistence allowances.
- 12.5 During the period of the secondment the individual's Terms and Conditions will remain the same and continue to be subject to the employing organisation's policies and procedures. Exceptions to this will be mutually agreed in advance between all three parties with HR support.
- 12.6 Secondees are responsible for reporting any reasons for absence directly to both the employer organisation and the host organisation in accordance with their own absence management policies.
- 12.7 Whilst on any secondment employees will continue to accrue annual leave entitlements and be permitted to take annual leave to their entitlement limit with the agreement of the host organisation. Where an employee takes a period of Maternity Leave (including adoption/ paternity leave) during the course of the secondment accrual of their annual leave entitlements will continue to apply.

### **13. FUNDING ARRANGEMENTS**

- 13.1 Prior to the secondment taking place the appropriate manager(s) must liaise with HR and Finance to agree who will be funding the secondment and how the payment arrangements are to be facilitated. Depending on the individual agreements it may be appropriate to submit a change form or arrange for a debtors invoice to be raised.
- 13.2 Where the grade of the secondment post is higher than the grade of the employee's substantive post, the full salary cost will be paid by the Organisation and recovered from the host organisation. On return to the Organisation the employee will revert to their substantive grade and salary.

### **14. WORKING ARRANGEMENTS**

- 14.1 For the duration of the secondment or work placement the individual will be required to comply with the working/cover arrangements of the department or host employer. Any agreement to exceed/reduce their contractual working hours will be subject to agreement at the initiation of the secondment and the conditions of Working Time Regulations.

### **15. COMMUNICATION**

- 15.1 When on secondment it will be agreed by all parties that three way communication between the secondee, host organisation and the employer is maintained.
- 15.2 The Employer Organisation has responsibility for ensuring that the secondee is kept informed of and consulted about any organisational change that takes place during their period of secondment.

### **16. MANAGERS' RESPONSIBILITIES**

- 16.1 For managers who are accountable for line managing the secondee, it will be their responsibility to outline at the start what their objectives are for the duration of the

secondment. Managers must also conduct performance reviews/appraisals in line with local policies and in consultation with the Employer.

- 16.2 The substantive line manager will provide all the appropriate information to the HR representative who will then produce the secondment agreement.

## **17. TERMINATION OR EXTENSION OF SECONDMENT**

- 17.1 A request for an extension of an existing secondment should be considered in accordance with the needs of the service, and be mutually agreed by all parties and confirmed in writing. If an extension is refused, an explanation should be given to the employee.

- 17.2 The secondment may be terminated by either party in writing with the previously agreed notice period laid out in the secondment agreement.

## **18. SECONDMENT RESULTING IN PERMANENT APPOINTMENT**

- 18.1 Where a secondment post becomes a permanent post the individual in that secondment may only be offered the post if a full recruitment process was carried out for the secondment, and it was clear that there was a possibility of it becoming permanent.

- 18.2 If a full recruitment process was not followed then a recruitment and selection process will need to be carried out.

## **19 APPEAL**

- 19.1 An employee may use the Grievance Procedure if they feel that they have been treated unfairly in relation to application of this policy.

## Equality Impact Assessment

<b>Title of policy</b>	Secondment Policy	
<b>Names and roles of people completing the assessment</b>	Ian Corbishley, HR Manager	
<b>Date assessment started/completed</b>	<u>Started:</u> 31/05/2018	<u>Completed:</u> 31/05/2018

1. Outline	
<b>Give a brief summary of the policy</b>	This policy sets out a procedure for receiving and considering internal and external secondment requests.
<b>What outcomes do you want to achieve</b>	For the policy to comply with statutory requirements, NHS Litigation Authority Standards and best practice.

2. Analysis of impact			
This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to;  eliminate unlawful discrimination; advance equality of opportunity; foster good relations			
	<b>Are there any likely impacts?  Are any groups going to be affected differently?  Please describe.</b>	<b>Are these negative or positive?</b>	<b>What action will be taken to address any negative impacts or enhance positive ones?</b>
<b>Age</b>	No		
<b>Carers</b>	No		
<b>Disability</b>	No		
<b>Sex</b>	No		
<b>Race</b>	No		
<b>Religion or belief</b>	No		
<b>Sexual orientation</b>	No		

<b>Gender reassignment</b>	No		
<b>Pregnancy and maternity</b>	No		
<b>Marriage and civil partnership</b>	No		
<b>Other relevant group</b>	No		
<b>If any negative/positive impacts were identified are they valid, legal and/or justifiable?  Please detail.</b>	No anticipated detrimental impact on any equality group. The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.		

<b>4. Monitoring, Review and Publication</b>			
<b>How will you review/monitor the impact and effectiveness of your actions</b>	Secondments will follow internal or external processes for consistency; applications can be reviewed to check for any trends regarding any of the protected groups.		
<b>Lead Officer</b>	John Scott, Head of People, OD and Office Services	<b>Review date:</b>	February 2023

<b>5. Sign off</b>			
<b>Lead Officer</b>	John Scott, Head of People, OD and Office Services		
<b>Director</b>	Sabrina Armstrong, Executive Director of Corporate Services	<b>Date approved:</b>	27/02/2019