

HR Employment Policy & Procedures

Secondment Policy

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The behaviours outlined in the ACHIEVE Framework should be reflected in the application of this Policy.



Document Management - Version Control

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CONTENTS

Section Title

Page Number

1	Introduction	4
2	Scope	4
3	Aims of Policy	4
4	Secondments	5
	Definitions	5
5	Roles & Responsibilities	5
	Employees	5
	Managers	6
	Human Resources	6
6	Management Considerations	7
	VAT	7
	Duration	8
7	Application and Appeals Procedure	8
	Application Procedure	8
	Appeals Procedure	9
8	Contact during Secondment	9
9	Extension / Early Return	10
10	Return to work	11
11	Terms and Conditions of Employment	11
12	Documentation	13
13	Monitoring and Measuring Success	13
14	Review of policy	13

1. INTRODUCTION:

- 1.1** The council recognises secondments as a valuable way of providing employees with development opportunities. Secondments can provide a constructive way of enhancing the skills and knowledge base of the individual and can also bring benefits to the council, including skills retention and development.
- 1.2** This policy outlines the key principles of Secondments within West Dunbartonshire Council and the arrangements in place to support them.

2. SCOPE

- 2.1** This policy applies to all Local Government Employees, Chief Officials and Craft employees within the Council who apply for or subsequently undertake a secondment for a defined period to another role either within West Dunbartonshire Council or within another organisation.
- 2.2** This policy does not apply to teachers and other associated professionals covered by SNCT terms and conditions, who have a separate LNCT agreement for Secondments – LNCT agreement No 12.
- 2.3** While there is no automatic right to a secondment, the Council will ensure that good equal opportunities practice underpins the operation of this policy irrespective of age, disability, sex, gender re-assignment, race, religion and belief, pregnancy and maternity, marriage and civil partnership or sexual orientation.

3. AIMS OF THE POLICY

- 3.1** This policy defines what a secondment is and outlines the principles and process to be followed when considering applications, including the appeals process. It details the terms and conditions associated with secondment agreements and the need for a signed secondment agreement to be in place prior to the commencement of the secondment to ensure that all parties are clear as to the terms of the agreement.
- 3.2** The Council will ensure that clear arrangements are in place for accessing secondment opportunities.
- 3.3** Internal secondment opportunities may arise through a variety of circumstances and should be advertised in line with the normal recruitment process.
- 3.4** The Council will ensure that an evaluation of learning is undertaken following the completion of secondments to ensure that newly developed knowledge or skills can be identified and used to the benefit of the organisation.

4. SECONDMENTS

Definition of a Secondment

- 4.1** This policy defines a secondment as: “The temporary placement of an employee to a different part of the council or to another organisation, for a specific purpose and period of time, to the mutual benefit of all parties”
- 4.2** The following section provided definitions for common terms used when managing secondments.

- **Types of Secondment:**
 - Internal secondment (within the Council)
 - External secondment (to another organisation)
- **Suitable secondment opportunities** - Secondment appointments that may be made on a part-time or full-time basis and can be used in a variety of circumstances.

Managers should always give consideration as to whether vacancies which arise may be offered on a secondment basis, particularly where such vacancies are fixed-term in nature and therefore such an approach would widen the scope of potential applicants.

- **Secondee** – the employee of the Council who is seconded to a different role either within the Council, or with another organisation
- **Accountable Manager** – The Manager within the Council who has responsibility for the secondment and for ensuring that the policy guidance is followed appropriately.
- **Host Manager** - The Host Manager is the manager who will be responsible for management of the secondment role itself.
- **Host Organisation** - This is the term used to identify the organisation to which a Secondee has been seconded, where this secondment is to an organisation other than the Council.

5. ROLES AND RESPONSIBILITIES:

5.1 Employee / Secondee

- To discuss the terms of the secondment opportunity and obtain authorisation from the Accountable Manager prior to applying for a secondment.
- To complete the relevant application form and obtain the relevant approvals prior to commencement of the secondment.
- To sign and return the secondment agreement prior to commencement of the secondment.
- To adhere to their obligations as set out in the Secondment Agreement, including keeping in touch with their Manager to allow for exchange of information and discussing the progress of the secondment; 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 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.

- To ensure that, prior to commencement of a secondment, the secondment agreement has been completed, detailing the terms of the release
- Ensure the secondment check list has been completed.
- To fulfill 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 the Council) where there is a need to terminate the secondment earlier than agreed.
- To ensure that a return to work interview takes place with the Secondee to discuss any support of requirements they may need when returning to work.
- To ensure 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.

5.3 Host Manager

- To fulfill 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.

5.4 Human Resources

- To support the application of the Secondment process,
- Support managers and employees to make informed decisions regarding the process and the potential considerations.
- Support the application and appeals process

6. SECONDMENTS

- 6.1** This policy defines a secondment as: "The temporary placement of an employee to a different part of the council or to another organisation, for a specific purpose and period of time, to the mutual benefit of all parties"

Management Considerations

- 6.2** All applications for secondment will be considered on their own merits considering the exigencies of the service. Managers will be required to consider the impact on service provision and the need for any resulting replacement arrangements. How the resultant vacancy is filled/covered

will depend on each individual case, e.g. such as the length of the secondment, type of vacancy and could be filled by one of the following:-

- Employees Temporarily Acting Up*
- Responsibility Payments*
- Advertised internally as a temporary post with the successful applicant, if currently employed on a permanent basis, having the right to return to their original post*.
- Advertised externally as a temporary contract.
- Advertised internally/externally and filled on a permanent basis, in certain circumstances where staffing levels and future workforce planning allows.

*In the event that there are successive and interrelated temporary appointments or acting up arrangements managers must ensure that these are monitored and reviewed on a regular basis.

- 6.3** In some circumstances e.g. business critical roles or specialisms, it may be appropriate to test the recruitment market to inform whether a secondment can indeed be supported. However it is acknowledged that secondments are often time critical and this should not unreasonably delay the process.

VAT

- 6.4** Another important consideration for managers is the potential VAT implications. External secondments are subject to VAT and this matter must be discussed prior to any release being agreed. Depending on the VAT groups and circumstances of the organisations involved this may preclude the secondment from being agreed. Further information is available from HMRC - VAT Notice 700/34 - Supply of staff and staff bureaux. Due to the implications of this, the terms of the agreement and the VAT implications must be discussed with the Finance Business Partner prior to agreement.

Duration

- 6.5** In line with the needs of the service a secondment will normally last for a minimum period of six months and a maximum period of 2 years. The length of the intended secondment should be identified at the point of application.

7 APPLICATIONS AND APPEALS PROCEDURE

- 7.1** Employees who wish to apply for a secondment, must discuss this matter with their line manager prior to applying for a seconded post. Having discussed this in principle, the application process can then be undertaken should the post be secured.

- 7.2** Applications should be submitted in writing using the secondment request form (Appendix 1) normally at least three months prior to the proposed date of commencement unless there are particular reasons why this period cannot be met. The application should be submitted to the employee's manager stating the details and duration of the secondment and the contact details of the host manager within the host organisation.
- 7.3** When considering a secondment application, managers must balance the request with the operational needs of the Service and how the resultant vacancy could be filled/covered. Both managers and employees will have to ensure that it will be possible to meet the operational needs of the Service.
- 7.4** All secondments must be approved by the appropriate service manager. The line manager must complete the line managers section of Appendix 1 and forward it to their Service Manager (or Strategic Lead if the request relates to service manager or in their absence) for final consideration and approval/rejection as appropriate. Employees will normally be given a written response within four weeks from receipt of the application.
- 7.5** When considering an application for secondment managers must discuss the details of the secondment with HR and HR Business Partners must be aware of the detail of secondment agreements before they are approved.
- 7.6** The manager's decision will be confirmed to the employee in writing. Appendix 1 provides the template for approval. Appendix 2 provides a template for declining the request and the rationale for this must be provided.
- 7.7** Should the application be approved, the Line Manager should notify HR Connect of this outcome, through the Notification of Change to Current Role form, to ensure payroll are notified and records updated.
- 7.8** If the application has been refused, the employee will be advised as to the grounds for refusal and there will be an opportunity to appeal against this decision.

The Appeals Procedure

- 7.9** Should the employee wish to appeal, they must exercise the right of appeal in writing to the Strategic Lead (or Director, if Strategic Lead made the decision) no later than 10 working days from the decision

being confirmed to them in writing.

- 7.10** The Strategic Lead / Director, or nominated senior officer, will chair the appeal hearing or identify a nominee to chair this hearing, the outcome of which will be final.
- 7.11** The appeal must take place within 28 days of the employee's appeal submission.
- 7.12** Should the appeal be upheld HR connect should be informed of the outcome, to ensure payroll are notified and records updated.
- 7.13** If the secondment is refused after appeal an employee can make another request 12 months after the original application. Further applications will be subject to the same application and appeal procedures.

8 CONTACT DURING SECONDMENT

- 8.1** Keeping in touch with Secondees throughout the period of secondment is essential to ensure that employees are kept up to date with changes and business developments within the workplace and also helps to maintain an employees confidence, skills and knowledge and ease the return to work process. Arrangements for keeping in touch should be clearly documented within the secondment agreement and the responsibility for maintaining this contact is mutual. The secondee must provide contact details.
- 8.2** The information an employee needs while on secondment will vary according to the size of the service, the type and level of job and the length of the secondment. Information transfer should be discussed and agreed with the employee and must take account of the individual requirements, including:
- Relevant Performance Appraisal
 - Maintaining professional registration;
 - Retraining requirements on return to the substantive post.
- 8.3** For longer-term secondments, account must be taken of the potential for skills lost, skills gained, changing work practice, changing cultures and new technology. Successfully keeping in touch will minimise the impact of these matters.
- 8.4** Should there be any service redesign while an employee is on Secondment, the Council's Organisational Change Policy will apply. The employee will be kept informed and treated no less favourably than their colleagues, and any discussions/procedures relating to

redeployment/redundancy will take place in the same way as if the employee were not on secondment. HR must be fully involved in all redesign discussions.

- 8.5** In the later stages of secondment it may be appropriate for a manager to advise an employee of vacancies, acting up or development opportunities. Employees may wish to remain on mailing lists or similar team communications.

9 EXTENSION / EARLY RETURN

- 9.1** Secondment opportunities should generally be allowed to run their course, in line with the terms of the individual's Secondment Agreement. However, there may be occasions that the secondment is required to terminate early and notice periods should be detailed in the signed agreement.
- 9.2** The Accountable Manager 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.
- 9.3** Should an employee wish to extend their secondment a request must be made in writing and a minimum of 3 months notice should be given. There is no obligation to grant the extension and the request will be considered in line with the needs of the service. The impact on the cover arrangements must also be considered.
- 9.4** For individuals who wish to return from secondment at an earlier date than previously agreed, 3 months notice should be given.
- 9.5** Employees on a secondment who wish to resign from their post must give as much notice as possible, and contractual notice as a minimum.

10 RETURN TO WORK

- 10.1** At the end of the secondment period employees returning to the council will normally return to their substantive post, unless an alternative arrangement was agreed at the time, or the role changed through service redesign and the post allocated as part of this process (see section 8.4 above).
- 10.2** Regular contact should be maintained throughout the secondment and the return to work arrangements should be made in good time in advance of return. It is encouraged that these discussions commence 3 months prior to the agreed return date.
- 10.3** As previously highlighted, employees may require training immediately before returning to work. Employees should arrange to attend a

meeting with their line manager in advance of their return to work to discuss the post they are returning to and to agree any appropriate programme of training. This meeting should also focus on the evaluation of the learning from the secondment and ensure that newly developed knowledge or skills can be identified and used to the benefit of the organisation.

11 TERMS AND CONDITIONS OF EMPLOYMENT

11.1 A secondment opportunity allows an employee to temporarily transfer to another part of the council or to another organisation to obtain new skills and experiences while protecting their contractual rights and continuity of service with the council.

11.2 The secondment will often involve variations to pay or certain terms and conditions and these variations must be clearly detailed in the associated secondment agreement (appendix 1 for external secondments and appendix 2 for internal secondments).

11.3 Where a request for secondment has been agreed, a formal Secondment Agreement will require to be completed and signed. The standard template should be used. Where the host organisation provides a secondment agreement format this must be reviewed to ensure it includes all the relevant clauses as detailed in appendix 1. Any changes must be discussed with HR Business Partner who will liaise with Legal as appropriate.

Internal secondments

11.4 For internal secondments there are fewer legal considerations, however, there may be changes to the employee's terms and conditions of employment for the duration of the secondment (e.g. changes in their usual place of work, changes to working pattern, rate of pay and duties). For this reason a letter of agreement will be provided to the employee signed by both the Accountable Manager and the Host Manager detailing all of the contractual changes that are applicable for the duration of the secondment.

11.5 At the end of the secondment the secondee will go back to their substantive post on the terms and conditions that would have applied had they not been on secondment (including where the secondment is to a post of a higher grade).

11.6 Secondment agreements must be completed and authorised by the necessary parties in advance of the secondment commencing.

External Secondments

11.7 In some circumstances, when an employee is seconded to an external organisation, they will do so on their current terms and conditions. However in other circumstances the terms of the secondment will

require these to be varied and the employee should be made aware of any changes and any impact on their pay or terms and conditions. These need to be fully discussed and agreed, and detailed in the secondment agreement.

11.8 Where the terms and conditions for the secondment opportunity are more generous than those of the secondee's substantive post the terms and conditions of the secondment post will apply for the secondment period after which the Secondees will return to their substantive post on the terms and conditions that would have applied had they not been on secondment.

11.9 The Secondment Agreement stipulates all the legal considerations associated with the secondment (see appendix 1):

- Purpose and location of the secondment
- Hours and work pattern
- Leave
- Pay and allowances
- Appraisal arrangements
- Travel and subsistence
- Hours and leave
- Health and safety, injury and indemnity arrangements
- Equipment and Property arrangements including intellectual property rights
- Disciplinary and Grievance
- Termination arrangements. If there are any non pensionable allowances associated with the secondment this must also be made clear within the agreement.

Employee relations matters

11.10 Employee relations matters should be clearly defined within the secondment agreement. While the host organisation will not be responsible for management of the Secondees' contract of employment it will need to have a mechanism for advising the Accountable Manager within the Council of any need to instigate formal procedures, if necessary. Similarly the host organisation may wish to specify 'trigger events' which would allow early termination of the Secondment Agreement.

Membership or Registration

11.11 Employees who are members of accredited organisations related to their job are responsible for maintaining their membership or registration, as appropriate, during the period of their secondment and must ensure that it is in place for their return to work. Failure to maintain membership/registration may delay return to work.

12. DOCUMENTATION

- 12.1** In the case of an external secondment to a Host Organisation the following documents are required:
- A secondment agreement between the Council and the Host Organisation must be completed and signed by both parties (the Agreement); and
 - A secondment agreement between the Council and the Seconded must also be completed and signed by both parties (the Schedule).
- 12.2** In the case of internal secondments, a letter of agreement will be provided to the employee signed by both the Accountable Manager and the Host Manager detailing all of the contractual changes that are applicable for the duration of the secondment .

13 MONITORING AND MEASURING SUCCESS.

- 13.1** The Council will, in partnership with the trade unions, monitor applications for and use of secondments, with a view to ensuring the fair and consistent application of this policy.

14. REVIEW OF POLICY.

- 14.1** This policy will be updated in line with employment legislation and best practice as required.