



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant and **Respondent**

Mr D. Townsend

**Torbay and South Devon
NHS Foundation Trust**

Held at: Exeter

On: 24-27 April 2023

**Before: Employment Judge Smail
Ms C. Lloyd-Jennings
Ms E. Smillie**

Appearances

Claimant: Ms C. Goodman (Counsel)

Respondent: Mr S. Way (Counsel)

In addition to the order made on 27 April 2023 to the effect that by 19 May 2023, the Respondent must pay the Claimant compensation for injury to feelings in the sum, inclusive of interest, of £11,069.56, the parties have agreed the following, which agreement the Tribunal is happy to endorse:

CONSENT REMEDY JUDGMENT

Recommendations

- 1 Within 3 months of receiving this order, the Respondent shall review its existing policies on the redeployment of employees who are unable to perform the role they have been employed to do owing to ill health.
- 2 Within 6 months of receiving this order, the Respondent shall draft an updated policy on the redeployment of employees who are unable to perform the role they have been employed to do owing to ill health ("the New Redeployment Policy"). In particular, the New Redeployment Policy should:
 - 2.1 Provide that employees' line managers should attempt to re-deploy them either temporarily or permanently within their Directorate within 4 weeks of their first being confirmed either by their GP or by OH to be capable of some work;

- 2.2 Allow for a minimum ill-health re-deployment period of 14 weeks, with the express discretion of the Respondent to extend the redeployment period in appropriate circumstances;
- 2.3 Provide that during the ill-health re-deployment period, the employee's contact(s) in HR must look out for jobs which meet the employee's needs and, where such jobs are considered suitable, hold them for the employee's consideration for a minimum of 5 calendar days before they are released to general advert.
- 3 Within 6 months of receiving this order, the Respondent should amend its Grievance Policy to include a review mechanism for the purpose of ensuring that any recommendations made are successfully implemented.
- 4 In relation to paragraphs **Error! Reference source not found.** and **Error! Reference source not found.** above, both parties agree and acknowledge that the successful implementation of such updated policies will be dependent upon negotiation and agreement with the relevant trade unions. In this regard, the Respondent undertakes to use its best endeavours to negotiate with the trade unions with the aim of reaching agreement.
- 5 Within 6 months of receiving this order the Respondent should provide training to its HR professionals on the application and implementation of the New Redeployment Policy and supporting colleagues through ill-health redeployment. This will include training on the duties of the employer towards disabled staff under the Equality Act 2010.

Loss of earnings

- 6 The Respondent must pay the Claimant £900 loss of earnings within 14 days of this Remedy Judgment being sent to the parties if not already paid.

Employment Judge Smail
South West Region
Date: 06 July 2023

Judgment sent to the parties on
20 July 2023 By Mr J McCormick

For the Tribunal Office