

Voluntary Lateral Transfer Policy

**This document outlines the Scottish Prison
Service Policy in relation to Voluntary
Lateral Transfer.**

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Unlocking Potential - Transforming Lives.

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Directorate Owners:

Corporate Services, Human Resources

Policy Scope:

All SPS Employees Pay Bands B – E

Links to Other Policies:

[Compassionate Transfer](#)

[Attendance Management](#)

[Staff Surplus](#)

[Excess Journey Allowance](#)

Approved by:

Head of Human Resources

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1.0 Introduction

This policy sets out the arrangements in relation to lateral transfers within the Scottish Prison Service (SPS).

SPS is committed to the wellbeing of its employees, and to their personal and professional development. It is recognised that voluntary lateral transfers can be a means of supporting employees in a variety of ways, whilst meeting the objectives of the organisation, in partnership with our recognised Trade Unions.

The agreement may be subject to formal review by SPS management and the TUS. A review will be triggered by one of the parties in writing. Discussions between the parties will commence within three months of the written request for review being received.

The policy may be terminated by SPS management at any time, with a minimum of three months' notice. In the event of termination, SPS management and the TUS will enter into discussions within one month of the termination of the policy regarding appropriate alternatives, provided either of the parties has indicated in writing to the other (within one month of notice of termination being received) their wish to do so.

2.0 Aim

The aim of this policy is to support the movement of SPS employees between establishments in a fair and transparent way, taking account of both business need and personal circumstances.

3.0 Scope

This policy applies to all SPS employees of pay bands B – E who are not subject to probationary arrangements. It also applies to employees whose employment has transferred to SPS through the application of TUPE legislation.

It covers applications for lateral moves from a given pay band and job role to another, identical pay band and appropriate job role at another SPS site. SPS employees of pay bands F and above are subject to Senior Assignment Panel (SAP) processes and therefore to arrangements separate from this policy.

Lateral transfers of employees within an establishment will be considered in the normal way before voluntary lateral transfers from other parts of SPS become available.

4.0 Definitions

For simplification of this document the following terms and definitions apply:

- **Workforce Planning and Management Group (WPMG)** - membership consists of SPS senior management and Trade Union partners. Decisions of the WPMG inform and guide a long-term approach to ensure that staffing aligns with business plans, is within financial constraints and is capable of delivering the vision and objectives of SPS.
- **Senior Assignment Panel (SAP)** - membership consists of SPS Directors. Responsible for the assignment of operational managers at pay bands F to I. The decisions of SAP will guide, develop and assure the long term organisational and leadership capability of SPS to meet its priorities and objectives.
- **Redeployment** - a process of the SPS Attendance policy which involves supporting an employee into a suitable alternative job in instances where they become unfit to carry out their contractual job.
- **Compassionate Transfer** - a process which assists employees to transfer to another establishment on compassionate grounds, because of difficulties presented to their home life by their work location.
- **Staff Surplus** - when an establishment's staffing levels are above the complemented position.
- **Excess Journey Allowance (EJA)** - provided to eligible employees who are transferring to a new establishment, to ensure that they are not financially disadvantaged if there is an increase in their travelling expenses.
- **Application Window** – the period within which an application may be submitted.
- **Application Cycle** – a period of time, determined by WPMG, within which the voluntary lateral transfer process will operate. Within the pre-defined period, applications will be invited, considered and outcomes notified.
- **Voluntary Lateral Transfer Assignment Panel (the Assignment Panel)** – membership consists of SPS Management and Trade Union Side representatives, identified by the WPMG (or nominated sub-group), to consider applications for voluntary lateral transfer.
- **Voluntary Lateral Transfer Appeal Panel (the Appeal Panel)** – membership consists of SPS Management and Trade Union Side

representatives, identified by the WPMG (or nominated sub-group), to consider appeals of unsupported applications for voluntary lateral transfer.

5.0 Relationship with other SPS Policies

In considering requests for voluntary lateral transfer, SPS will ensure full consideration is given to surplus employees and those seeking redeployment or a compassionate transfer prior to any application for voluntary lateral transfer being approved.

The SPS Compassionate Transfer policy will continue to operate and should be used by employees who hold a belief that their circumstances qualify them for a transfer under that policy.

6.0 Automatic Disqualifiers

There are automatic disqualifiers which prevent an application for voluntary lateral transfer. Applications are not permitted from employees who are currently within their probationary period.

7.0 Criteria of Consideration

The WPMG (or nominated sub-group) will review the applications and the national workforce situation at the time. Due attention will be given to such factors as:

- Actual and projected employee surpluses / shortages in establishments;
- On-going redeployment cases and compassionate transfer requests (refer to section 5);
- Business needs of the establishments involved;
- Potential increases / reductions in an applicant's travel time or distance to work;
- Potential changes in an applicant's quality of life;
- The match of skills that the employee will bring to the role that they have expressed an interest in (non-operational employees);
- Whether an applicant is subject to a live warning in relation to attendance or performance; and

- Any other relevant information for consideration by the Assignment Panel.

8.0 Applications for Voluntary Lateral Transfers

The WPMG (or nominated sub-group) will launch the application process which will be advertised via the internal recruitment site as appropriate, providing information on the application window and the process and timescales for considering applications.

Employees who wish to apply for a lateral transfer should complete and submit their application online. Following HR review, supported applications will be considered by the WPMG (or a nominated sub-group) in accordance with the published schedule and applicants will be advised via the recruitment system within 5 working days whether the request for a lateral transfer is approved and can be fulfilled.

If supported the employee will be provided with further details of the arrangement for transfer. Applications that are considered by the Assignment Panel where a transfer cannot be fulfilled at that time will be re-considered by the panel at future meetings in accordance with the published schedule. A supported application can be considered a maximum of four times within an application cycle, depending upon the timing of the initial application. Supported applications which remain unfulfilled at the end of the application cycle will be considered closed, allowing an application to be made within any future application window.

9.0 Appeals

If an establishment refuses the release of an employee who has made an application (who has not otherwise been disqualified through application of an automatic disqualifier) the employee may, if they wish, appeal to the WPMG (or nominated sub-group) to have the refusal overturned.

The Appeal Panel will fully consider the circumstances surrounding the application and inform the employee, in writing, of their determination within 5 working days from the date of the Appeal Panel meeting.

If successful, their application will be considered by the Assignment Panel in accordance with the published schedule.

The decision of the Appeal Panel is final with no other right of appeal.

10.0 Costs

Any additional costs or savings to personal expenditure that arise from changes to travel or from other causes resulting from a transfer under this policy will fall to the employee. Employees receiving Excess Journeys Allowance (EJA) will have the value of the payment maintained if the excess journey becomes greater or remains the same, or have the value of the payment reduced or eliminated if the excess journey is reduced or eliminated. In all cases where EJA remains payable its intended expiry date will remain unchanged.

Further Information:

SPS recognises that from time to time employees may have questions or concerns relating to Voluntary Lateral Transfer. In certain situations employees' rights and obligations regarding Voluntary Lateral Transfer may change. In these circumstances SPS will abide by any statutory obligations.

SPS wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate Line Manager in the first instance.

Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government's commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

Equality Statement

SPS is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity and human rights and to ensuring our culture, working environment, policies, processes and practices are free from bias. This policy applies to all employees regardless of protected characteristics, and, subject to any eligibility criteria, length of service, grade, working pattern or operational status.

Inclusive Communications

It is our ambition to ensure that SPS documents are readable, accessible and engaging for employees.

In formatting this document, good practice principles around engagement and inclusive communications have been adhered to.

If you require this document in an alternative format please contact Human Resources.

Review and Monitoring

This policy will be reviewed every three years or sooner where applicable to reflect changing business and legislative requirements.

Human Resources Policy and Guidance in SPS

SPS policies take into account current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:



UK Civil
Service
Management
Code



UK Legislation



EU
Legislation



ACAS



CIPD Best
Practice