



## **MANAGEMENT GUIDANCE**

### **THE REDEPLOYMENT PROCEDURE**

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## **1.0 Introduction**

1.1 The Council has a duty to consider suitable alternative employment through its Redeployment Procedure, in order to avoid where possible employee dismissal due to redundancy, ill health or disability. This is known as the redeployment process.

1.2 This procedure sets out the processes that the Council will follow when seeking to redeploy individuals, who are either under notice of redundancy or unable to continue working in their existing job role, due to ill health or disability.

1.3 This procedure also supports managers in seeking alternative employment for employees in other exceptional circumstances, which are not redundancy related, ill health or disability subject to the approval of the Assistant Director Human Resources.

## **2.0 Scope of the procedure**

2.1 This procedure applies to all permanent employees who have successfully completed their probationary period and to those on temporary contracts who have accumulated twelve months continuous employment with the Council.

This procedure does not apply to school based staff and teaches; all of whom are subject to separate arrangements.

## **3.0 Key principles**

3.1 The Council will take reasonable steps to reduce the necessity for dismissals as far as reasonably possible by:

- Seeking redeployment opportunities for employees who are under notice of redundancy;
- Considering appropriate redeployment opportunities (based on medical advice provided by the Council's Occupational Health Physician) for employees who are unable to continue working in their existing role due to ill health or disability (where the Council has reasonably explored whether adjustments can be made to their current role to enable them to continue in it, and determined that such adjustments are not reasonable).

3.2 The Council aims to minimise the effect of redundancies through the provision of sufficient time and effort to finding alternative employment, where possible, for displaced staff. Of course there is no absolute guarantee that a redeployee can be matched to a suitable alternative vacant post.

3.3 Employees will be placed on the redeployment register for a **maximum period of 12 weeks commencing from the date of the redundancy notification letter**. The employee's notice period will run concurrently with the redeployment search period.

3.4 The redeployment process will be conducted with equality and fairness, bearing in mind the need for sensitivity and proper consideration of redeployees' individual circumstances, throughout.

3.5 Employees have a joint responsibility to actively participate in the redeployment search process to identify potentially suitable vacancies and to inform their manager and the Recruitment Team of their interest. Additionally, employees are strongly encouraged to look for jobs in the external job market.

3.6 Where an employee's position becomes redundant during the ordinary and/ or additional maternity or paternity leave period and, as a result, the employee will not be able to return to their previous job, the employee must be offered a suitable alternative vacancy where and when one is available.

3.7 The redeployee will normally undergo a four week trial period, when redeployed to a suitable alternative position.

3.8 An employee under notice of redundancy, who unreasonably refuses an offer of suitable alternative employment, may forfeit their right to a redundancy payment. During the recruitment stage the redeployee will be given priority consideration over any other applicants for any potentially suitable alternative vacant posts.

3.9 Redeployment will normally be to posts regarded as 'suitable alternative employment' i.e. similar duties, working environment, grade, status, terms and conditions of the employee's old post at a location to which the employee could be deployed under their existing contract of employment.

3.10 Redeployment will therefore normally be to a role on the same grade. In this situation the employee's current salary level will be maintained. Redeployment can also be to a job that is one grade lower or higher than the substantive post, where the employee meets the requirements of the new job.

#### **4.0 Protection of earnings**

4.1 During the 12 week redeployment period the employee will be paid their basic salary, which is inclusive of London Weighting.

4.2 Any pay enhancements applicable to the original post are not paid during the redeployment period.

4.3 All employees who are redeployed to a role on a lower grade as a suitable alternative position (i.e. one grade below their current grade) in a redundancy situation will receive pay protection for a period of twelve months after which the rate of pay for the lower paid job will apply. Protection will only be applied to the individual's existing grade rate (i.e. the salary point of the grade they are currently on).

4.4 If the employee is successful in a competitive selection process for a role at a higher grade, or chooses to accept redeployment to a lower graded role, neither of which fall under the definition of suitable alternative employment, a new contract of employment will be issued setting out the appropriate salary and terms and conditions applicable to the new role. The process used for determining the new salary will be the same as deciding salary on appointment for new starters.

4.5 An employee who was not successful in being selected for a new post arising within the reorganisation will not be matched for the same job through the redeployment process.

4.6 The search for redeployment will continue throughout the redeployment period.

## **5.0 Roles and responsibilities**

### **5.1 The Manager**

5.2 Once an employee is declared to be a redeployee and is registered on the Council's Corporate Redeployment Register, the line manager will continue to manage the redeployee and will meet with them on a regular basis while they remain a redeployee.

5.3 Managers should consider the needs of disabled staff that become redeployees and ensure that all reasonable adjustments for disabled staff are made.

5.4 Medical redeployees will continue to be managed by their line manager where appropriate through the Council's Managing Sickness Absence Procedure.

5.5 During the recruitment selection process, the chair of the interview panel will:

- ensure that a structured interview is undertaken to assess the redeployee's suitability to do the new job;
- assess any training requirements that may be reasonably necessary;
- maintain full written records of decisions made at both the short listing and interview stage, detailing grounds for reaching the selection decision; which must be reasonable, justifiable and, relate only to the selection criteria, the job requirements and performance at interview. Liaise with the Council's Recruitment Team in that context.

### **5.6 The HR Case Work Team**

- Ensure that all employees eligible for redeployment are asked to complete and return the Redeployment Employee Profile Form to the Council's HR Relationship Manager for Recruitment or delegated representative;
- Notify the Council's HR Relationship Manager for Recruitment of the details of all employees placed on the redeployment register;
- Manage the ill health or disability redeployment process;
- Issue the termination letter in cases where it is not possible to redeploy the individual during the 12 week redeployment period.

### **5.7 The Recruitment Team**

- Add details of all redundant employees to the Council's Redeployment Register, immediately after the selection for redundancy letter is issued. or earlier if possible, or, on receipt of notification of redeployment status in cases of ill health or disability;

- Meet with redeployees on their request, to assist them if necessary with completing the profile form ensuring the profile form is a true reflection of their skills, qualification and experience;
- Encourage redeployees to fully engage and participate in the redeployment process;
- Ensure redeployees are advised in writing of the details, including dates of the trial period for any new position redeployed to;
- Ensure that those who are successfully redeployed are advised in writing of their new position and are issued with the appropriate job description and amended contract of employment;
- Seek redeployment opportunities for employees throughout the duration of the redeployment period;
- Ensure all employees eligible for redeployment have access to the Council's Vacancy Bulletin for the redeployment period;
- Identify the employee's skills and experience to assist with the matching of vacancies;
- Maximise opportunities for redeployees to find another position;
- During the recruitment stage for vacancies give redeployees priority consideration above other applicants;
- Do not release vacancies for advertising until they have been considered for matching against all suitable redeployees;
- Match redeployees to posts and consult with managers as to whether the position is appropriate;
- Arrange for redeployees to be invited to a structured interview to assess their suitability to do the new job;
- If the redeployee can demonstrate that they have the ability to undertake the duties and responsibilities of the vacant post, either immediately or with limited training, assessed by reference to the criteria in the personal specification, the duties outlined in the job description and the performance at interview; they will be offered the vacant post;
- In certain circumstances consider redeployees alongside candidates not affected by redundancy.

## 5.8 The Redeployee

- Redeployees have responsibility for identifying potentially suitable vacancies and informing the Council's HR Relationship Manager or delegated representative of their interest;
- Redeployees are required to adhere to the Redeployment Procedure, for example, by attending relevant meetings, interviews and completing and signing the Employee Profile Form. The period on the Redeployment Register will not be extended where the redeployee delays the return of the profile form or fails to attend meetings.

## **6.0 Support available to assist redeployees**

6.1 Employees facing redundancy are likely to express considerable concern about their future job prospects and the impact on them personally and the Council is committed to supporting them as follows:

6.2 Employees can make full use of the Council's Employee Assistance Programme during the process. This service is provided by Workplace Options and is a free confidential and independent counselling and information service available to staff around the clock.

6.3 In addition, HR staff can provide support to redeployees or can organise outplacement support for them, if appropriate.

## **7.0 Recruitment - Profiling and Matching Processes**

7.1 The profiling and matching service is managed by the Council's Recruitment Team. The HR Casework Team is required to notify the Council's Recruitment Team of the details of any employee who becomes a redeployee. In the case of redundancy, this must be done once the employee is issued with the notification of redundancy letter to ensure sufficient time is available for the Recruitment Team to look for alternative employment. In the case of ill health or disability, the redeployment process will begin immediately on receipt of the advice from the Council's Occupational Health Physician.

The following procedure will apply:

7.2 The employee will be asked to complete and return the profile form to the Recruitment Team. If the individual requests support and assistance, then a member of the Recruitment Team will arrange for an assessment of their skills and experience to ensure the completed profile form represents a true reflection of the employee's skills, qualifications and experience.

7.3 A member of the Recruitment Team will seek to identify suitable permanent or temporary vacancies.

7.4 The employee may be offered redeployment to a temporary post where appropriate. Funding of any subsequent redundancy payment would only be paid if there was a subsequent redundancy situation.

7.5 In the case of redundancy, employees who refuse an offer of a temporary post may lose their entitlement to a redundancy payment.

7.6 Potentially suitable posts will not normally be advertised until any redeployees have been considered. The redeployee will also have responsibility for identifying potentially suitable vacancies and informing their manager of their interest.

7.7 Where a vacant post is already being advertised and an employee who is a potential match subsequently joins the redeployment register, the employee will be given priority consideration for the post, if it amounts to a suitable alternative post.

7.8 The redeployee will be interviewed by the employing department ahead of other candidates, but at the same time as any other suitably matched redeployees. Providing the redeployee meets the essential requirements (or could meet them with a reasonable amount of training) the post will be offered to that individual.

7.9 In the event of an unsuccessful redeployment interview the Chair of the interview panel will formally give reasons to the Recruitment Team Manager and the individual redeployee, setting out clearly and in detail the areas where the individual failed to meet the criteria for the job.

7.10 The redeployment process will continue until either the individual is appointed or no further suitable jobs can be identified, and/or the 12 week period on the Redeployment Register expires.

7.11 If individuals consider that they have been treated unfairly during the redeployment process they can discuss the matter with the HR Relationship Manager or delegated representative; if having done that, individuals remain dissatisfied they have can put their concerns in writing to the Assistant Director Human Resources who will arrange for the concern to be investigated and responded to accordingly.

7.12 No limit will be placed on the number of possible job matches that can be made. However, where a redeployee rejects a reasonable offer of suitable employment they will be required to put their reasons in writing for consideration by the Assistant Director Human Resources. This stipulation also applies to an employee's unreasonable refusal to attend an interview for a job that has been deemed a suitable match.

7.13 Where the Assistant Director Human Resources concludes that the refusal of a job offer is unreasonable, the employment may be terminated with no redundancy payment.

## **8.0 Trial Periods**

8.1 An employee who is under notice of dismissal because of redundancy has a statutory right to a trial period of 4 weeks in any suitable alternative job. The purpose of the trial period is to give the employee and the new manager an opportunity to assess whether the new job is suitable, without the employee necessarily losing the right to a redundancy payment.

8.2 The trial period will take effect from the date of starting work under the new or revised contract. If during the trial period either the new manager or the employee can show that the employment offered is not in fact suitable, either party can end the arrangement, and the employee will not lose any entitlement s/he has to a redundancy payment. In such circumstances the employee will return to the Redeployment Register. If the trial period is successful, employment in the new job will continue and the employee will have no further entitlement to a redundancy payment.

8.3 The trial period can be extended by agreement for a limited period in certain circumstances e.g. to take account of any agreed training, or as an appropriate adjustment in cases of disability/ill health. The agreement must be in writing specifying the date on which the trial period ends and the terms and conditions after it ends.

8.4 If the employee works beyond the end of the 4 week trial period any redundancy entitlement will be lost because the employee will be deemed to have



accepted the new employment. This must be made clear to the employee when the job offer is made.

8.5 During the trial period the redeployee's existing salary will continue to be paid by the original employing department for the first four weeks.

8.6 The trial period must be used to assess the employee's suitability for the new job. At the beginning of the trial period the new line manager will meet with the redeployee to set work targets, expected outcomes and standards of work performance. During the trial period the redeployee will be assessed by the new line manager by way of a regular review against set objectives to assess their suitability for the new role and to determine whether in practice they possess the requisite skill level to be successful in the new role. In addition, the redeployee will work to an agreed training plan to facilitate a smooth transition to the new role.

#### **9.0 Role of the new manager during the trial period is as follows:**

- Assess the employee's knowledge and skills against those required for the job, where necessary providing support/on the job training
- Hold regular supervision meetings with the employee
- Set performance targets for the employee
- Monitor the employee's performance against the targets and provide feedback to the employee
- Identify any problems with performance as early as possible
- Take necessary remedial action to assist the employee to improve performance this may include training, asking the employee to work alongside an experienced colleague or closer supervision
- Keep written records of all action taken during the trial period and supervision meetings.

9.1 Where at the end of the trial period the manager considers that the redeployee is competent to carry out the duties of the post to the required standard and wishes to continue in the role, the redeployee will be confirmed in the post.

9.2 Where the line manager concludes that the redeployee has not achieved the required performance standards and has therefore not been successful in undertaking the new role during the trial period, then at the end of the trial period the employee will not be confirmed in post.

9.3 If the trial period for an employee under notice of redundancy is unsuccessful and is within the 12 week redeployment period, then the redeployee will be returned to the redeployment register and the redeployment search will continue. Otherwise the employee will be paid the redundancy payment.

## **10.0 REDEPLOYMENT PROCESS IN CASES OF ILL HEALTH OR DISABILITY (Additional Considerations)**

10.1 This arises in cases where:

1) An employee is identified by the Council's Occupational Health Physician (OHP) as unfit to undertake the full duties of their substantive post due to ill health and where the OHP recommends that a redeployment search be undertaken, together with medical advice as to the type of post the employee maybe capable of doing. In such circumstances a member of the HR Casework team will write to the employee to notify them of the medical opinion and the detail of the redeployment process;

2) An employee is confirmed by the Council's Occupational Health Physician as being unable to carry out the full duties of their post because of a disability and where the Council has reasonably explored whether reasonable adjustments can be made to their current role to enable them to continue in it, and determined that such adjustments are not reasonable.

10.2 When considering the suitability of a vacant role for a disabled member of staff the Council will carefully consider if reasonable adjustments can be made to enable the employee to undertake the role.

10.3 Where the employee has been referred for redeployment via the Council's Managing Sickness Absence Procedure, their level of attendance at work will continue to be monitored and dealt with in accordance with that procedure.

10.4 In cases of redeployment due to ill health or disability, the trial period may be extended to include a period of between 4 to 8 weeks in total, to allow the employee to have sufficient time to establish their suitability in the new role. This will be particularly important in cases where there is a need to make reasonable adjustments.

## **11.0 Termination of employment**

- Termination of employment will be considered where:
- The redeployee is redundant because s/he has been on the redeployment register for a period of 12 weeks and no suitable alternative employment has been found.
- The redeployee has rejected reasonable offers of suitable alternative employment and refused to participate in the trial period.
- The redeployee has withdrawn from the trial period without good reason.
- In cases of ill health redeployment and where the employee is referred to the Occupational Health Physician who concludes that the employee is permanently unfit to work.

- Employee attendance during the redeployment process is unsatisfactory which could lead to dismissal in accordance with the Council's Managing Sickness Absence Procedure.

## **11.0 Appeal**

11.1 There is no right of appeal against any decision not to offer a redeployee an interview or not to appoint a redeployee after an interview although the manager making such decisions will be expected to provide feedback to the redeployee.