

Managing Organisational Change

Redeployment Arrangements



Contents		Page
1. Introduction	Council Policy	3
	Roles and responsibilities	3
	Advice	4
2. Redeployment Procedure	Eligibility for redeployment	5
	Redeployment period and support for staff	6
	Access to redeployment opportunities	7
	Trial periods	8
	Appeals	9
	Pay protection arrangements	9
	Medical redeployment	10

1. Introduction

Council Policy

1. The Council is committed to trying to redeploy where possible employees whose posts are deleted a result of budget restraints or changing organisational requirements, or who cannot continue in their post because of disability, or ill-health reasons.
2. The Council, in consultation with the employees affected and recognised trade unions as appropriate, will always seek to ensure that redeployment is handled in a fair, consistent and sympathetic manner. Employees are required to fully co-operate with the redeployment process.
3. The Redeployment Procedure follows ACAS guidance, as well as “Best Practice”. The Procedure applies to eligible employees directly employed by the Council (as detailed at 2.1) only and is recommended to schools with delegated authority for staffing matters, as “Best Practice”. It does not apply to Elevate employees.

Roles and Responsibilities

4. Managers and employees are required to comply with arrangements detailed in this Procedure. These are designed to try and help find suitable alternative employment for employees unable to continue in their post because of redundancy or ill-health.

Employees are required to:

- Fully co-operate with the process
- Attend any meetings at the time and place designated
- Attend any training or development or support agreed by the manager
- Complete a “skills profile” or any other form as may be required and keep this updated
- Check the I-grasp redeployment portal for posts regularly each week (where they have access to this)
- Be flexible in the work to be considered, and consider posts where they have previous employment experience or can apply their transferable skills
- Prepare well for interviews
- Consider all reasonable offers of alternative work
- Follow the terms of any trial period
- Accept an offer of reasonable alternative employment made at the end of a trial period. If, in redundancy cases, they unreasonably refuse an offer they will forfeit any entitlement to a redundancy payment).

Managers are required to:

- Fully co-operate with the process

- Meet with their employees (redeployees) on a regular basis to:
 - review what action has been taken to find employment
 - review what posts have been applied for and any feedback
 - discuss what support may be available
 - Consider redeployees before any internal or external job applicants
 - Offer redeployees who meet the minimum criteria for the post a 4 week trial period; where there are two or more redeployees, selection for the trial period will be by interview
 - Provide feedback to unsuccessful redeployees and their line manager
 - Consult Human Resources as to the eligibility of pregnant and temporary employees or staff on maternity/additional paternity leave for redeployment
5. A “Resourcing Panel” comprising Management, Human Resources and Trade Union representatives will be responsible for considering wider issues around permanent and non-permanent recruitment including:
- The recruitment process
 - Appeals against the outcome of a job trial where appropriate
 - The List of agency workers, consultants and temporary employees

Advice

6. Human Resources will provide appropriate support and advice to managers and employees on the Procedure and attend all appeals against the outcome of a trial period at paragraph 17. **Managers must seek advice before commencing any action under the Procedure.**
7. The Head of Human Resources will provide corporate guidance via the Human Resources Service, to managers and employees to ensure that redeployment issues are dealt with appropriately, in accordance with the Procedure, employment legislation and “Best Practice”.
8. Any queries or disputes as to the interpretation of the Procedure that cannot be resolved at departmental level in the first instance, should be referred to the Head of Human Resources or his/her nominated officers for consideration.

2. Redeployment Procedure

Eligibility for redeployment

1. The Procedure applies to Council employees who are unable to continue in their current post for reasons of redundancy or ill-health.

Council apprentices and temporary employees on fixed-term contracts with a minimum of 12 month's continuous service at the termination date will be eligible to apply for redeployment for either:

- i) the last month of the contract; or
- ii) the notice period if their employment is being terminated prior to the specified contract end date.

In exceptional circumstances, the Head of Human Resources may agree to the Procedure being applied in other cases when to do so will help resolve serious interpersonal issues identified following a formal investigation.

Note: Elevate employees are not eligible to apply for redeployment to Council posts.

2. The Council will make every effort to ensure that when employees become disabled, they stay in employment. Where employees cannot continue in post because of ill-health reasons, the Council will consider redeployment first and seek to avoid dismissal where possible.
3. All cases will be considered on their merits, in accordance with the Council's policies and procedures and its available resources, employment law and good practice.

Priority will be given to employees who have been issued notice of the termination of their employment due to redundancy, or where redeployment has been agreed with the Head of Human Resources as a reasonable adjustment for a disabled employee.

Note: Employees that are pregnant or on statutory maternity or additional paternity leave and at risk of redundancy i.e. without a post at the end of the assimilation, ring-fencing or selection processes, must be offered 'suitable alternative positions' before those who are not pregnant or on maternity leave as follows:

- If there is a 65% match i.e. 65% of the duties (excluding generic terms) on the old job description are in the job description for the new position they will be offered the post*;
- If there is a 25-64% match (excluding generic terms) they will be offered a non-competitive interview to assess their suitability for the post*;
- If there is less than a 25% match, they will not be suitable for redeployment

* If two or more eligible employees (pregnant or on maternity leave) are equally

matched, selection will be by competitive interview

Managers must consult Human Resources as to the eligibility of pregnant and temporary employees, or staff on adoption, maternity or additional paternity leave, for redeployment and the process to be followed.

Redeployment period and support to staff

4. Employees will remain eligible for redeployment whilst their post is subject to redundancy or they are under notice of the termination of their employment or in the last month of their fixed-term contract. (Where the Head of Human Resources has agreed to the Procedure being applied in other cases e.g. bullying and harassment, these will be considered on their individual merits).
5. Every effort will be made up to and including the last day of service, (or the date agreed by the Head of Human Resources as appropriate), to identify suitable opportunities for redeployment however there is no guarantee that alternative work is available or will be found, nor is there any entitlement to a minimum number of offers. Temporary contracts will not be extended under this Procedure.
6. Employees will continue to be employed in their substantive post until they are redeployed or their service is terminated. The normal line management arrangements shall apply and the manager will support employees with advice and assistance to help them obtain redeployment.
7. Human Resources will advise managers on the redeployment process and ensure that this is carried out in accordance with the Council's Equalities and Diversities policies.
8. Employees are required to fully co-operate with the redeployment process and to complete and return their skills profile, be as flexible as possible in the work to be considered, to prepare well for meetings or interviews, and to consider all reasonable offers of suitable alternative work.

If, in redundancy cases, employees reject an offer of suitable alternative work, without good reason they will forfeit any entitlement to a redundancy payment. The ACAS guidance on what may be reasonable or unreasonable is as follows:

- An unreasonable refusal may arise where the differences between the old and new jobs are negligible
- Refusal may be reasonable if the new job would cause domestic upheaval , for example if there was a considerable change in working hours or need to move house

9. The Council will continue to seek alternative employment up to and including the last day of service and if successful their notice shall be withdrawn.
10. A meeting will be arranged with the employee, line manager and/or Human Resources to explain the process for "matching" redeployees to posts, their responsibilities during the process, and the support to be provided.

Human Resources will then enter the employee on the Redeployment Register and set up an I-Grasp account for them to access the on-line redeployment portal and apply for positions; the employee will be offered:

- Advice on completing the skills profile or any other documentation as may be required for the “matching process”
- Advice on how the I-Grasp on-line redeployment application system works and applying for posts
- Advice of how to access the London Redeployment Portal
- Career advice and guidance
- Help identifying transferable skills
- Counselling through the Employee Welfare Line
- Advise on completing application forms and working with person specifications and job competencies
- Advise on interviewing and presentation skills
- Training and development as agreed with the manager
- Financial and/or practical support for reasonable adjustments to assist employees who acquire a disability to continue in employment

The HR Business Partner Team will write to and notify employees at risk of redundancy when they go on the Redeployment Register and the HR Employee Relations Team will write to and notify other redeployees.

Note: Where employees have a disability that comes within the scope of the Equality Act 2010, there is a statutory responsibility to make “reasonable adjustments”. This could mean making reasonable changes to the structure of the workplace, obtaining specialist equipment or making changes to the job itself and retraining in specific circumstances.

Access to redeployment opportunities

11. Employees are required to log-in to the I-Grasp system each week to check for posts, unless other arrangements have been agreed with their manager.
12. Where the employee identifies a suitable vacancy, they should apply directly via the I-Grasp redeployment portal.

Note: It is important employees apply via the I-grasp redeployment portal as this automatically alerts the recruiting manager they are applying as a redeployee.

13. Employees can apply for redeployment to posts at a higher or lower level to their substantive post. However, redeployment to posts that are more than 2 grades or 8 increments or equivalent below the employee’s substantive post, which is the maximum pay protection allowed, will not normally be considered.
14. Employees will be given priority consideration as a re-deployee and interviewed if they meet the minimum criteria for the post i.e. the essential skills and ability criteria and with additional training, supervision and support can be expected to meet the experience criteria within a reasonable period, (from 1 to 3 months depending on the nature of the job).

Note: Employees must demonstrate that they meet the minimum criteria to be interviewed for the post. Where two or more re-deployees have demonstrated they meet the minimum criteria, selection will be by competitive interview.

15. If, at interview, the employee meets the requirements for the post, they should

be offered a 4 week trial period during which they will be monitored to assess their suitability. The trial period may be extended for retraining purposes if both sides agree and in which case, the arrangements must be confirmed in writing.

If the application is unsuccessful at the selection stage or after a trial period, the reason(s) should be explained to the employee and their line manager. The employee will have a right of appeal against the outcome of a trial period, as detailed at paragraph 16.

Trial periods

16. The recruiting manager will discuss the arrangements for the trial period with the employee and what, if any, support might be needed to make this successful.

Note: The employee will continue to receive the salary and allowances payable in their substantive post during the trial period. Managers should take advice from Human Resources if there are any queries as to the pay and allowances that apply.

17. The employee will be monitored during 4 week trial to assess their suitability. The trial period may be extended for retraining purposes if both sides agree and in which case, the arrangements must be confirmed in writing.

The employee will not be considered for matching to other posts during the trial period but may apply for any vacancies, (except secondments), advertised to staff.

18. At the end of the trial period, a review meeting will be held with the employee and manager to discuss the outcome:
 - i) If the trial period is successful, the employee will be appointed to the post, from the start date of the trial and issued a new contract. The employee will be taken off the Redeployment Register and cease to be a redeployee i.e. they can no longer apply or be considered for other posts as a redeployee.
 - ii) If the trial period is unsuccessful, the reason(s) should be explained to the employee and their line manager. The search for redeployment will then resume and continue as long as the employee is eligible to apply.
19. The employee will have a right of appeal against the outcome of the trial period to the relevant Division Director or Corporate Director or Resourcing Panel; the employee's right of appeal will be limited to whether:
 - They are suitable i.e. have the right skills or experience for the post
 - They would be suitable for the post with additional training or support required within a reasonable period (from 1 to 3 months depending on the nature of the job).
 - There will be a considerable change in the employee's working hours/times that involve domestic upheaval or affect their caring responsibilities

The decision and any recommendations of the Director or Resourcing Panel hearing the appeal will be final; there is no further right of appeal

- i) If the employee's appeal is for redeployment into the post and this is:
 - a) agreed, they will be appointed to the post
 - b) not agreed, they will not be appointed*
- ii) If the employee's appeal is against redeployment into the post and this is:
 - a) agreed, they will not be appointed*
 - b) not agreed, they will be appointed to the post

If, in redundancy cases, if they unreasonably refuse an offer they will forfeit any entitlement to a redundancy payment).

* The search for redeployment will then resume and continue for as long as the employee is eligible to apply, (See paragraph 22).

Appeals

20. Employees wishing to exercise the right of appeal, at paragraphs 16 and 21 should write to the Head of Human Resources within 10 working days of the notification of the outcome of the trial period, setting out the grounds for the appeal e.g.:

- Why they agree/disagree that they are suitable i.e. have the skills or experience for the post; or
- Why they would be suitable with additional training or support within a reasonable period; or
- How the post will involve a considerable change in the employee's working hours/times that would cause domestic upheaval or affect their caring responsibilities

21. Appeals will be held within 10 working days of the deadline to appeal at 19 above, and considered by a Divisional Director or Corporate Director or the Resourcing Panel as agreed with the Head of Human Resources, Their decision will be final and there is no further right of appeal.

Note: The timescales for submitting and hearing appeals must be followed, as the outcome may have an impact on other staff and/or delay appointments to posts.

The Director/Panel will write and notify the employee and manager of the outcome of the appeal within 10 working days.

22. The employee's line manager remains responsible for the employee until they are redeployed or their service is terminated.

The employee will normally return to their substantive post at the end of the job trial whilst awaiting the outcome of the appeal and for the remainder of the notice period, unless other interim arrangements are agreed.

Managers must consult Human Resources when considering interim arrangements as these may involve contractual changes.

Pay protection arrangements

23. Employees redeployed to a post at a lower grade will be appointed to the maximum of the new substantive pay scale where this is less than their existing salary point.

Employees redeployed to a post at a higher grade will be appointed to the minimum of the new substantive pay scale where this is not less than their existing salary.

24. The following pay protection will apply to all redeployees except teachers where separate arrangements apply, (see Note ii) below).

Employees eligible for pay protection shall have the option of either of the following:

- 1) To receive protection equal to the annual difference between old and new salary for a period of 1 year; or
- 2) To receive a one off lump sum, payment equivalent to 75% of the total difference between your old and new salary.

Pay protection relates to basic pay only and does not extend to additional allowances or leave entitlement.

Note:

- i) Pay protection will be limited to redeployment to posts that are no more than 2 grades or 8 increments below the employee's substantive post.

Employees who wish to apply for redeployment to posts more than 2 grades or 8 increments below should speak to their manager or Human Resources before applying.

In these cases, the employee will be placed on the maximum salary point of the new substantive post; protection up to the maximum 2 grades or 8 increments will be calculated from that point

- ii) Where agreed by the manager and successful redeployee, pay protection will be effective from the commencement of the trial period.
- iii) The pay protection arrangements for teachers are as detailed in the Teachers Pay and Conditions Document

Medical redeployment

25. In ill-health cases, the situation will be kept under regular review and advice sought from the Council's Occupational Health Service.

Where redeployment is not possible and the Medical Officer's view is that the employee cannot continue in the substantive post, their service will be terminated in accordance with the Council's Sickness Absence procedures.

Human Resources will automatically update the Procedure to comply with any changes to legislation or ACAS guidance and notify employees of the amendments.

London Borough of Barking and Dagenham
Call direct on 020 8215 3000

Out of hours emergencies only
Phone: 020 8594 8356
Fax: 020 8227 3470
Email: 3000direct@lbbd.gov.uk
Web: www.barking-dagenham.gov.uk

We have tried to make sure that this information is correct at the time of going to print. However, information may change from time to time.

You must not copy this document without our permission © 2011 London Borough of Barking and Dagenham.

Date: V3, 23 April 2015
Review: 31 December 2016

