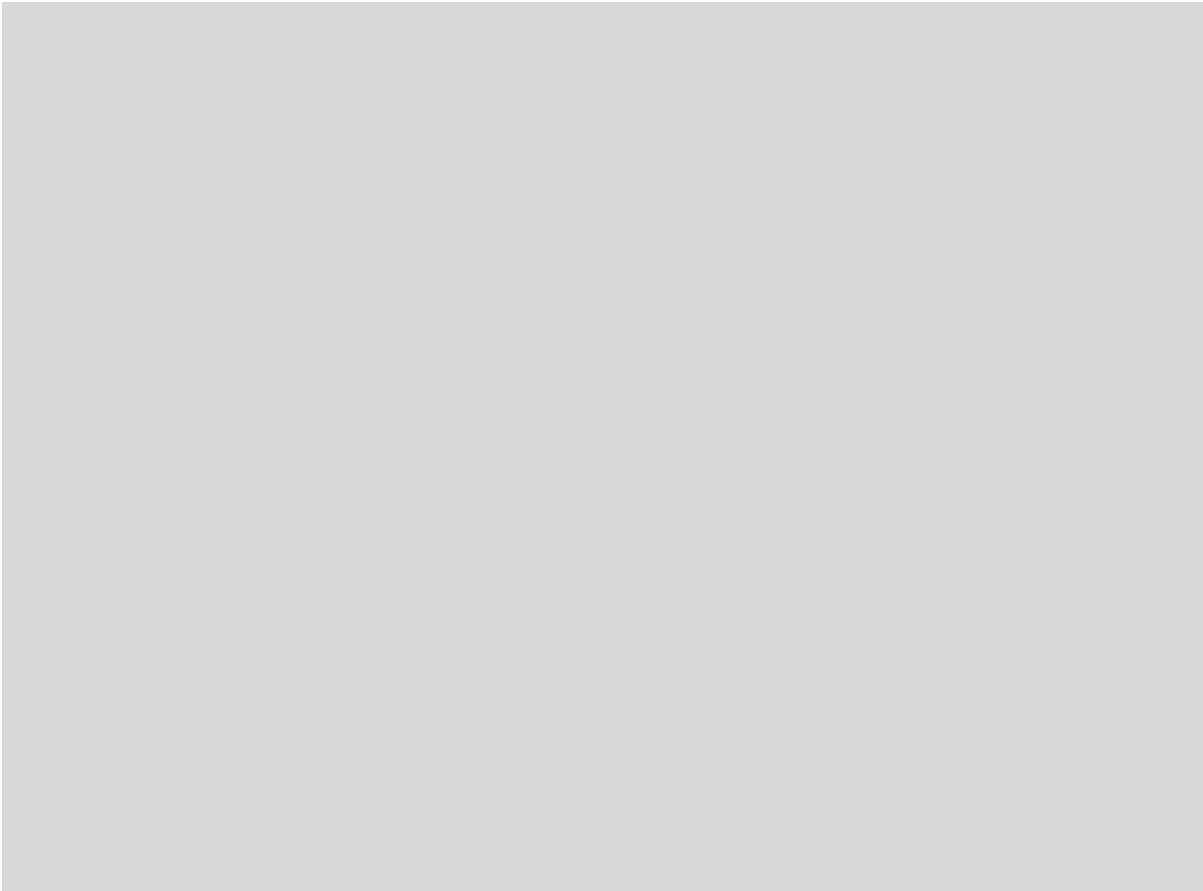


Redeployment Procedure



Introduction

This procedure applies to all Council employees. It does not apply to self-employed contractors, consultants, or agency workers.

The Council acknowledges that work has an important role to play in individual's wellbeing. This procedure sets out how it will seek to support employees who are redundant and apprentices coming to the end of their apprenticeship in finding suitable alternative work (redeployment) within the Council wherever possible.

What is redeployment?

When an employee is facing compulsory redundancy, an employer should look for suitable alternative employment. This is called redeployment throughout this procedure. This obligation does not extend to apprentices but the Council have committed to looking for employment for apprentices who have completed their apprenticeships.

Whether a job is suitable depends on:

- the employee's skills and experience (do they have the skills and experience to enable them to effectively fulfil the new role, sometimes after a period of training or re-training?); **and**
- how similar the terms and conditions are including: status, place of work, job duties, pay, hours and responsibility are

Manager responsibilities

- Give appropriate consideration to applicants seeking redeployment for roles within their service area
- Allow reasonable time off work for redundant employees to seek suitable alternative employment within or outside of the Council
- Support the employee if requested with the completion of the redeployment form
- Support employees through the redundancy/redeployment process
- Support employees who are continuing in employment, including any employee(s) redeployed into their service area

Employee responsibilities

- Play an active role in seeking alternative employment
- Complete a personal profile (providing as much detail as possible to enable suitable opportunities to be identified)
- Remain in contact with their line manager and HR
- Inform the HR Business Partner of any specific roles they wish to be considered for as HR may not be aware that they are interested in them and/or that they have the appropriate skills and experience to fulfil them

HR responsibilities

- Explain the redeployment process to managers and employees and seek to answer any queries that may be raised
- Provide support to the employee in their search for redeployment
- Match the employee to potentially suitable roles as per the Vacancy Bulletin and Bumping list (in cases of redundancy only)
- Liaise with Employee Services to add the employee to the distribution list for “Teamwork” the Council’s Vacancy Bulletin

Search for redeployment

- The supported search will consider job roles at the same grade, and one grade up and one grade down, from an employee’s substantive position
- Roles outside of the protection range can be considered if the employee believes they represent suitable alternative employment. However, roles outside of the protection range will not attract a protection payment
- The search for redeployment will be conducted during an employee’s notice period and will therefore last a maximum of 12 weeks. Any job matches within this time scale will be considered even if this is on the last day of the notice period
- If an employee is successful in finding a new role within the Council their notice will end on commencement of the trial period and they will commence a new contract of employment
- Individuals seeking redeployment who meet the essential criteria (or would do so with a reasonable amount of training) for a role will be given first consideration for suitable alternative roles. Ideally this will occur before a job is advertised. In the event the role is advertised they will be considered prior to other candidates who have applied through a normal recruitment process
- Where it is apparent that all the essential criteria are met, as assessed by the manager of the new role, an interview will not be required and an individual will be offered the role with a trial period
- The employee should be interviewed if the manager cannot assess whether or not they meet the essential criteria
- References should not usually be sought for a suitable alternative role unless there is a statutory or safeguarding requirement to do so for example, if working with children or young people
- If an employee is offered a new role which has different safeguarding requirements from their previous position the appropriate checks will be undertaken (in line with the normal recruitment process). The role will be offered subject to these clearances for example DBS being received
- Redeployment interviews are not competitive unless there is more than one employee who could potentially be redeployed into the role. In this instance all those who meet the essential criteria should be interviewed and the best candidate selected

Special circumstances

Pregnancy, Adoption and Maternity

- When a redundant employee is on maternity/adoption leave they should be given **prior** consideration for any redeployment opportunities (ahead of any other employees including others who are redundant)
- Pregnant employees will be included in the process as with other employees

Fixed term contracts –Fixed term employees who are dismissed by reason of redundancy will be entitled to reasonable paid time off to search for suitable alternative employment during their notice period. They will also be eligible for redeployment in line with the procedure outlined above

Apprentices

- In order to support apprentices into employment, opportunities for them will be sought during the last 8 weeks of their apprenticeship
- However, employees at risk of redundancy or employees who are seeking alternative employment because of a disability related health reason will take priority over apprentices (and any other employees)

Supporting employees in the protection period

The Council will seek suitable alternative employment for individuals at risk of redundancy. Therefore once an individual is redeployed, there is no further need to look for redeployment opportunities.

However, the Council recognises that supporting individuals in receipt of protection is beneficial both for the individual and the organisation. Therefore:

- Where an individual is in a period of protection, if they meet the essential criteria for a job which is advertised and they inform HR, they will be guaranteed an interview for the role. **NB:** It is the **employee's** responsibility to inform HR that they wish to be considered for the job
- The Council will incorporate into the IPR process a section around individuals in receipt of protection. This is with a view to managers supporting employees, where requested, in developing their skills to facilitate them in obtaining a role at the same level as their previous (redundant) post. This is dependent upon on a post being available

Trial periods

The trial period will be 4 weeks. Trial periods may only be extended:

1. When there is a requirement for the individual to undertake training, in which case the period of the trial should be agreed in writing prior to its commencement.
2. There are unforeseeable mitigating circumstances (such as illness or other unforeseen absence).

The purpose of the trial period is to give both manager and employee an opportunity to determine whether the new job is suitable.

The employee will not usually lose the right to a redundancy payment if it is mutually agreed that the role is unsuitable.

If the trial is unsuccessful (depending on reason for this) the employee may then leave on redundancy. The leaving date is the end of the contract the employee was made redundant from. The employee will be paid in lieu of any remaining notice as an ex gratia payment.

If the trial period is not extended and the employee works beyond the end of the four-week period any redundancy pay entitlement will be lost because the employee will be deemed to have accepted the new employment (unless agreed otherwise).

The trial period will include review meetings. The frequency is to be agreed between the manager and employee.

Time off to look for alternative employment

Employees are entitled to reasonable paid time off to:

- look for another job
- arrange training to help them find another job

What is reasonable will be dependent on individual circumstances. Managers should support this within the needs of the service.

Additional support

Employees should contact their line manager in the first instance if they require additional support. Support may include.

- Interview skills training face to face or through e-learning
- 1–2-1 meeting with manager giving consideration to wellbeing
- Support to complete a redeployment form
- Counselling if required
- Time off to look for suitable alternative employment as above

Training

Sometimes an employee may not meet all the essential criteria for a job but may have sufficient transferrable skills to enable them to fulfil the role after a period of “reasonable” training. In this eventuality the manager needs to be able to assess the employee’s suitability within the 4 week trial period even if the training is on- going. In summary, the training could be longer than 4 weeks but a decision would need to be made regarding the employee’s suitability within the 4 week trial period.

In considering what would be reasonable training managers should consider:

- the cost of the training
- the duration of training
- The impact of this on the service i.e. would this require time away from the service or can this be done on the job?

Managers should be supportive and give due consideration to what training could be offered.

Refusal of redeployment

Employees who unreasonably refuse an offer of redeployment will lose any entitlement to redundancy pay.

If the differences between the new and old jobs are negligible refusal is likely to be deemed unreasonable. However, each situation will be considered on an individual basis as what might be reasonable for one employee might not be for another. If an employee believes that the offer is not suitable they should meet with the relevant line manager to discuss their concerns. If this discussion does not resolve the matter and the manager, having considered all the information put forward by the employee, believes the offer is a reasonable one they should advise the employee accordingly.

Guidance on pay protection

Pay protection

Pay protection a non-contractual voluntary supplement that the council makes when an individual is redeployed into a lower paid role as a result of compulsory redundancy. The intention of this supplement is to provide a “financial cushion” to a redeployed employee’s contractual pay for a period of time, to allow them to make appropriate financial arrangements to accommodate the lower level of pay their new role provides, or for them to have time to look for another role.

Pay protection may therefore change subject to appropriate consultation through the Council’s consultation mechanisms.

Protection applies when:

- An employee is redeployed into a lower paid job to avoid redundancy
- A restructure results in an employee taking on a lower paid job
- An employee with a disability related health condition is redeployed to a lower paid job as a reasonable adjustment.

Period of protection

Protection is payable for 12 months from the date of commencement in the new role.

Protection payable

- Up to one grade down from your current salary subject to a maximum of £6000 per annum pro rata.
- All protection including the cap will be pro rata for part time employees.

What is protected?

- The protection is ‘mark time’, specifically cash protection based on current basic salary for the job as per the salary tables for the council this means when employees are protected:
 - Employees will not progress through the pay increments within each Grade.
 - Employees will not receive a pay award..

What is not protected?

- Enhanced rates of pay such as shift allowances or weekend enhancements are not protected.
- Terms and conditions i.e. annual leave entitlements or working hours are not protected.

How protection is calculated?

It is not the intention that individuals will receive additional money by being protected.

Protection is calculated on the difference between the new total pay and old basic pay.

- As soon as the salary of the new role reaches the level of the protection, protection will cease even if this is before the end of the protected period.
- Therefore if an employee’s total pay in a new role (inclusive of enhancements) is greater than the pay in the old role protection would not apply.

What if I am currently protected?

If you are currently protected as you have been previously redeployed and are being redeployed again you will enter a new 12 month protection arrangement on commencement of your new contract of employment.

Examples

1. Redundant post – 20 hours at grade 5 SCP 20
Pro-rata salary - £10 503
New post – 25 hours at grade 4 SCP £17 419
Pro-rata salary - £11 770
Protection – not required
2. Redundant post - 37 hours at grade 8 SCP 31
Salary - £ 27 668
New post – 37 hours at grade 7 SCP 28
Salary - £24 964
Protection – £2 704
3. Redundant post – 37 hours at grade 10 SCP 41
Salary - £36 379
New post – 37 hours at grade 11 SCP 44
Salary - £39 177
Protection – not required