

NORTH LINCOLNSHIRE COUNCIL

POLICY AND FINANCE CABINET MEMBER

REDEPLOYMENT POLICY

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To outline and seek approval for revisions to the council's Redeployment policy.

2. BACKGROUND INFORMATION

- 2.1 The council's Redeployment policy was last updated in 2012. It has now been reviewed to improve the council's performance in this area and support reduction in sickness absence. It will ensure health, safety and welfare of employees and maintain service efficiencies.
- 2.2 Finding suitable alternative employment for redeployees remains a priority for the council and the policy is integral to ensuring redeployment is successful and sustainable for the employee and the manager.
- 2.3 The current policy provides for a trial period for all employees redeployed into a post of a minimum of four weeks and a maximum of 12 weeks. This is to be increased to 12 weeks in all cases. The extended period will allow the employee and manager to thoroughly assess their suitability for the post and provide any additional training or support that may be required for the redeployment to be successful.
- 2.4 The revised policy will make explicit that where only one redeployee who meets the essential criteria for a post is identified, they will have to attend an informal interview and no longer be 'slotted in'. This will allow both parties to have the opportunity to discuss the role and clarify expectations.
- 2.5 There will also now be a requirement to obtain references from the previous manager in accordance with the council's Recruitment and Selection policy. This is again to ensure suitability for the post.

3. OPTIONS FOR CONSIDERATION

3.1 To approve the revised policy.

3.2 To reject the revised policy.

3.3 To recommend amendments to the policy.

4. ANALYSIS OF OPTIONS

4.1 The policy is an integral part of the council's efforts to successfully redeploy affected employees and ultimately keep the cost of redundancy payments to a minimum. The revisions seek to balance this with ensuring employees are redeployed into suitable roles that work for them and the council.

4.2 Rejecting the revised policy would not assist the council in ensuring the successful and sustained redeployment of affected employees and also support the reduction of redundancy payments.

4.3 Recommending further changes to the policy would require further consultation and delay implementation.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

None

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 An impact assessment of potential impacts has considered the equality implications of this policy. Provision remains in the policy for employees under notice of redundancy who are on maternity, adoption or shared parental leave and employees with a disability.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 The trade unions have been consulted and are supportive of the revisions.

8. RECOMMENDATIONS

8.1 That the revised policy be approved and implemented.

DIRECTOR OF POLICY AND RESOURCES

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Background Papers used in the preparation of this report: None

1.0 INTRODUCTION

- 1.1 The council recognises that during the course of their employment some employees will be affected by changing circumstances, which may result in them being unable to continue in the role they were employed to do. This procedure describes the process to be followed as a means to try and retain those employees affected.
- 1.2 The objective of this policy is to find suitable alternative employment. This would be defined as a different role that utilises the individual's skills and abilities to meet the requirements of a post and is as close to their existing hours and salary as possible.
- 1.3 It is the responsibility of all parties including the individual employee to support the underlying principle of this procedure to make every effort to find suitable alternative employment.
- 1.4 The procedure will apply to employees of the council with one year or more continuous service. Salary protection detailed in section 3.0 will apply to employees with two years or more continuous service.

Note 1: Qualifying service is with this authority or bodies named on the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 (the Modification Order). A consolidated list of the bodies on the Modification Order can be accessed at www.lge.gov.uk.

- 1.5 For employees on maternity or adoption leave who are under notice of redundancy, and employees with a disability as defined by the Equality Act 2010 who are no longer able to carry out the duties of the post, the requirement to have completed one year or more continuous service, or two years in relation to salary protection, will not apply.
- 1.6 Where disability is a factor in any of the circumstances defined in 1.11, the Assistant Director Human Resources (HR) will consider whether any reasonable adjustments can be made to this procedure.
- 1.7 Employees in fixed-term and temporary posts of one year or more will be placed on the redeployment register for the last 12 weeks of their contract.

- 1.8 Apprentices will be placed on the redeployment register for the last 12 weeks of their contract and will be able to apply for job relevant vacancies after priority 1 - 4 redeployees. The requirement for one year's service does not apply to apprentices.
- 1.9 Employees will only be redeployed into fixed-term and temporary posts in circumstances where there are no other options available and where not doing so would result in an immediate redundancy situation and/or require the council to issue formal notice of the termination of their employment.
- 1.10 The procedure will not apply to:
- Casual workers
 - Employees with less than one year's service.

Note 2: All such workers at 1.9 will be able to apply for vacancies alongside other candidates, should they not be required for any of the council's redeployees. In such circumstances, the posts will be offered at the rate for the job. Salary protection will not be applied. Further advice on whether an employee qualifies as a redeployee is available from the HR Advisory Service.

- 1.11 If more than one redeployee potentially meets the essential criteria for a post, priority will be given on the basis of the criteria detailed below.

Priority 1

- Where an employee on maternity, or adoption leave or shared parental leave is under notice of redundancy (in accordance with Regulation 10 of the Maternity and Parental Leave Regulations 1999).

Priority 2

- Where, an employee with a disability as defined by the Equality Act 2010, is no longer able to carry out the duties of their post after reasonable adjustments have been considered.

Priority 3

- Where a post has been identified as surplus to requirements and the employee is displaced due to changes in work demands, and is potentially redundant, '**at risk**'.

- Where, on the recommendation of the Occupational Health Service, an individual is unable to continue in their post.
- Where, as a result of a compulsory change in base, an employee is unable to arrange to travel to work.
- Where, as a result of a compulsory change in working arrangements, an employee is unable to work the required days or hours of the post.
- Where it becomes apparent that exceptional circumstances are likely to prevent an employee from continuing in their existing post, a Strategic Workforce Lead may authorise the inclusion of that employee on the redeployment register. This will only occur with the agreement of the employee and will only take place following consultation with the employee's Director and the Assistant Director Human Resources. Normal protection arrangements will apply.

Priority 4

- Where the other half of a job sharer's post becomes vacant and there is a continuing need for the remaining hours of the post to be filled, but the post holder does not wish to accept them and no suitable partner can be found.
- Where, following a career break an employee is unable to immediately return to his/her substantive post or to a suitable alternative post.
- Where upon request, an employee is seeking different hours of work or a different location in order to care for a dependant. Protection of salary/pay will **not** apply.

Note 3: A dependant is defined as someone who lives with the employee as part of his or her family. In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency. It would not normally include tenants or boarders living in the family home.

Priority 5

- Apprentices in the last 12 weeks of their contract.

1.12 Unless there are justifiable reasons for not doing so, employees who are in receipt of a protected payment or employees who are redeployed into a fixed-

term/temporary post (see paragraph 1.9) will remain on the redeployment register as a Priority 4 redeployee and efforts in line with the principle outlined in 1.3 will be made to find permanent employment, which where applicable, further reduces the protected amount. During periods where there is a large number of 'at risk' redeployees the Assistant Director HR may temporarily remove from the redeployment register those redeployees in receipt of a protected payment who occupy a permanent post.

- 1.13 Redeployment may also arise as a result of a Dignity at Work investigation. If the decision of the independent Director is that the harasser/bully should be redeployed as an alternative to dismissal, then protection of salary will **not** apply. If it is the complainant who is redeployed then normal protection arrangements will apply. The Assistant Director HR will determine on a case by case basis what priority the employee concerned will be afforded. *Refer to Dignity at Work Policy C.4.*

2.0 PROCEDURE

- 2.1 If employees are unable to continue in their post for one of the reasons defined in paragraph 1.11 above, the Director will consider whether alternative opportunities are available. If there are no other options available, formal notice of the termination of their employment on grounds appropriate to the circumstances will be issued following the application of the appropriate procedure and including consultation with the trade unions/employee representatives if appropriate. Efforts to find suitable alternative employment will continue throughout the notice period.
- 2.2 Directors will be responsible for redeployment within their directorate and may delegate this responsibility to the appropriate manager who will be supported by a nominated HR representative. The nominated HR representative will offer support and guidance to both manager and redeployee until a permanent resolution is found.
- 2.3 Once a decision is made to place an employee on the redeployment register, a meeting should be scheduled at the earliest opportunity to explain the procedure

and produce a record of the employee's knowledge, experience and skills using the Redeployee Profile (see Appendix 2). This information will be utilised throughout the redeployment process and should be updated accordingly where additional training takes place.

- 2.4 The redeployee will be advised by their nominated HR representative to be realistic about their expectations for alternative employment with reference to their personal circumstances. The redeployee will be asked the extent to which they are prepared to consider alternatives in hours, grade or location and this response will be reviewed by the HR representative on a regular basis with consideration for the remaining period of time the redeployee will spend on the register. The redeployee will be made aware that where a potentially suitable alternative post is offered the redeployee is expected to accept it, unless they can demonstrate a valid and substantial reason for not doing so.
- 2.5 Redeployees will be given reasonable time off with pay in order to attend interviews, personal development/training and any other meetings called in respect of their redeployment. The nominated HR representative with the support of the Learning Solutions team will discuss the current level of skills, knowledge and experience and where gaps are identified to give consideration to any corporate training that may be reasonably provided.
- 2.6 Redeployees will be encouraged to participate fully in any support sessions provided by the HR service.

Note 4: During periods where there is a large number of 'at risk' redeployees the Assistant Director HR may make courses on the council's corporate training programme available at nil cost to services.

- 2.7 Once a redeployee has been included on the redeployment register, they will be automatically informed of all redeployment opportunities that arise. Redeployees should notify their nominated HR representative where they consider a vacancy to be suitable for them.

- 2.8 Redeployees who potentially meet the essential criteria for a post (with a reasonable amount of training, development and support if necessary) will be offered an interview, prior to the post being advertised. As such, redeployees should not be deterred from applying for a post if there are some elements of the employee specification they do not fully meet. If a suitable redeployee is identified after a post has been advertised they **must** be considered prior to the post being offered to an alternative candidate.
- 2.9 Every effort will be made to consider redeployees for vacancies that arise up to their termination date. Contracts of employment will not be extended to enable a redeployee to attend any interview that takes place after their contract of employment has terminated.
- 2.10 Where it proves difficult for a recruiting manager in consultation with HR, to establish whether a redeployee potentially meets the essential criteria for a post, it may be necessary for the employee to complete a Redeployment Application Form (see Appendix 3) for that post. The nominated HR representative will assist the redeployee in this process where required. Nominated HR representatives will provide recruiting managers with the reasons for redeployment in summary form only, as well as any additional information agreed with the redeployee.
- 2.11 Where a redeployee matched to a vacancy by a HR representative is rejected by the recruiting manager, the recruiting manager must in all circumstances complete Appendix 8 and discuss the decision fully with the nominated HR representative prior to continuing with the recruitment process.
- 2.12 Where only one redeployee who potentially meets the essential criteria for a post is identified, an informal interview should take place to ensure both parties have the opportunity to discuss the role and clarify expectations. The role would be subject to any 'safeguarding' obligations and the normal trial period outlined at paragraph 2.17.

- 2.13 Where an exceptional number of redeployees within the same priority group potentially meet the essential criteria for the post, the number interviewed may be reduced to manageable levels, in turn, by using the full essential criteria, desirable criteria and a random selection process. HR advice should be sought by recruiting managers in these circumstances.
- 2.14 Interviews will follow the normal recruitment process and references will be obtained. All other pre-employment checks must also be carried out in accordance with the council's Recruitment and Selection policy A.2 prior to commencement. A HR representative will attend the interview where appropriate
- 2.15 Redeployees who are successful following an interview will be offered the post on a trial period as outlined in paragraph 2.17.
- 2.16 Where an applicant is not successful the recruiting manager must complete Appendix 8 and discuss the decision fully with the nominated HR representative prior to informing the redeployee of the outcome and prior to continuing with the recruitment process.
- 2.17 Employees redeployed into a post will have a minimum trial period of 12 working weeks in which to decide whether they wish to accept the post. The manager should monitor performance during this period to assess the employee's suitability for the post and evidence this by completing the trial period training plan (see Appendix 4).
- 2.18 In exceptional circumstances and with approval from the relevant Strategic Workforce Lead, the redeployment trial period of 12 working weeks can be extended.
- 2.19 Where an employee is successfully redeployed, the receiving directorate will be responsible for paying any basic salary costs from the first day of the agreed trial period. The directorate the employee is redeployed from will normally meet the cost of any protection throughout the trial period and beyond if the trial results in a permanent transfer.

- 2.20 During the trial period the manager must conduct regular reviews. Using the job description and employee specification, one-to-one reviews should explore the redeployee's new role and should consider their duties, responsibilities, and development. The sessions should assess the level of progress made and give consideration to appropriate internal and external training with reference to the completed trial period training plan (see Appendix 4).
- 2.21 The directorate the employee is redeployed from will normally meet the cost of any reasonable amount of training required during the trial period, which enables an employee to successfully meet the essential criteria for a post. The receiving directorate will be responsible for paying any associated costs of training that relates to the desirable criteria for a post. See note 4.
- 2.22 At the end of the trial period the manager and employee should hold a review to complete the trial period assessment form (see Appendix 5). This discussion should determine whether or not the trial period has been successful. If the trial period has been successful the employee should be confirmed into the post. If not, consideration should be given to further training or termination of the trial. Redeployees should bring their completed trial period self-assessment form to discuss at the review (see Appendix 6).
- 2.23 If a redeployee rejects the post within the trial period for an acceptable reason, or is considered unsuitable, they will remain on the register for the balance of their notice period. Appendix 7 must be completed by the nominated HR representative in all circumstances.
- 2.24 Redeployees who reject the opportunity to be considered for a suitable alternative post, or reject a post during or at the end of the trial period, without good reason, will be removed from the register and may lose any entitlement to a redundancy payment. If there are no other options available, formal notice of the termination of their employment will be issued, if this has not been actioned already. Appendix 7 must be completed by the nominated HR representative in all circumstances.

- 2.25 If an employee in receipt of a protected payment rejects the opportunity to be considered for a suitable alternative post or rejects a post during or at the end of the trial period without good reason, they will be removed from the redeployment register and notice of the withdrawal of salary protection will be issued. Appendix 7 must be completed by the nominated HR representative in all circumstances.
- 2.26 Whether or not a redeployment opportunity is considered a suitable alternative post and/or whether the rejection of a post by the redeployee during or at the end of the trial period is considered to be reasonable will be determined by the nominated HR representative, in consultation with the relevant manager where appropriate. Where the redeployee is in disagreement with this judgement the matter will be referred to the Assistant Director HR for further consideration.
- 2.27 As a result, redeployees who are issued with formal notice of the termination of their employment and/or lose any entitlement to a redundancy payment will have a right of appeal outlined in the procedure in accordance with the prevailing reason for dismissal.
- 2.28 A fixed-term post will not normally be considered suitable alternative employment where a suitable permanent alternative exists. A redeployee in these circumstances will not be prevented from accepting a fixed-term post but will do so without salary protection, on the terms and conditions of the post.

3.0 SALARY PROTECTION

- 3.1 Should an employee be redeployed into a post that attracts a lower basic salary, the employee's basic salary at the point of redeployment (the day before they are redeployed) will be protected in accordance with paragraph 3.7 and subject to the maximum protected amounts (pro-rata) outlined in Appendix 10. From 1 April 2014 all salary protection payments will no longer be subject to pension contributions.

Note 5: 'Other conditions of service will be protected in accordance with the scheme of protection (see Appendix 1).

- 3.2 Should a teacher be redeployed into a post that attracts a lower salary, mandatory safeguarding arrangements will apply in accordance the current School Teachers' Pay and Conditions Document (STPCD). Where no such safeguarding arrangements apply the teacher's basic salary will be protected in accordance with paragraph 3.7.
- 3.3 In circumstances where national pay awards are agreed after an employee has been redeployed but are backdated to a date prior to redeployment then the protected salary (personal salary) will be recalculated to reflect the new amount.
- 3.4 Employees redeployed into a post that attracts a lower basic salary will be appointed at the maximum point of the salary grade for the post except where they are being redeployed into a career graded post and they do not meet the progression criteria for the higher grade. In these circumstances the maximum point of the eligible grade will be used.
- 3.5 An eligible employee will receive salary protection limited to the difference between, the salary of their substantive post and the maximum point of the salary grade of the new post, or the maximum protected amount (pro-rata) outlined in Appendix 10, whichever is less.
- 3.6 For example, for a full time employee being paid on Grade 7 (point 30) who accepts a Grade 4 position (point 14), the salary difference equates to £10,062 per annum. However, the employee will have their protection limited to the maximum amount outlined in Appendix 10 i.e. £7,888 per annum. An employee on Grade 7 (point 30) could be redeployed to Grade 6 without suffering a reduction in salary.
- 3.7 The protected salary (personal salary) will be reduced to the actual post value over a two year period using the formula detailed below. Where, however, working time varies between the previous post and the new post then any protection will be based on the percentage of full time equivalent (FTE) and not on salary (see Appendix 1).

Note 6: Full time equivalent (FTE) is a way of measuring an employee's working time. For example, an employee contracted to work 37 hours, five days a week, 52 weeks a year will have an FTE of 1.00

(100%). An employee who works 37 hours a week but on a term time only basis (i.e. not during periods of school closure) will have a minimum FTE of 0.83 (83%).

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| Months 1-12 | Full protection, or the maximum amount (pro-rata) outlined in Appendix 10, whichever is less. (personal salary) |
| Months 13-18 | Post value, plus 75% of the difference between post value and personal salary, or 75% of the protection payable during months 1-12, as appropriate. (cash value) |
| Months 19-24 | Post value, plus 50% of the difference between post value and personal salary, or 50% of the protection payable during months 1-12, as appropriate. (cash value) |
| Month 25 onwards | Post value. |

- 3.8 The protected salary will be re-calculated on the anniversary of redeployment in line with the formula above. During the following year (subject to no further changes in hours, grade etc.) an employee can expect their combined basic salary plus protection (cash value) to be no less than the amount calculated on that anniversary. If national pay awards occur during that year they will reduce the amount of protection, but will also increase the post value so the employee should see no visible reduction in their cash value salary.
- 3.9 Employees redeployed into a promotional post (a post at a higher grade than their substantive post) will be appointed at the bottom of the grade. In circumstances where a reduction in the employee's FTE results in a lower personal salary, the employee will not be eligible for salary protection.
- 3.10 If an employee is redeployed into or obtains a higher graded post, whilst already in receipt of salary protection, the employee's combined basic salary plus protection (cash value) at the point of transfer and not the previously protected personal salary, will determine the starting salary within the grade of the new post.
- 3.11 In the unlikely event that an employee is further redeployed into a post that attracts a lower basic salary, whilst already in receipt of salary protection, the employee's

combined basic salary plus protection (cash value) at the point of redeployment will be protected in accordance with paragraph 3.7 above.

3.12 Protection arrangements will terminate on either:

- the expiry of the protection period;
- the post value permanently matching or exceeding the personal salary/cash value;
- the employee choosing to apply for, and being appointed to a post where the grade is of lower or equal value (other than through the redeployment process)
- the employee leaving the employment of the council.

3.13 The salary protection principles outlined above will also apply in circumstances where an organisational review or a regrading application results in the re-evaluation of an employee's current post to a lower grade.

4.0 ADDITIONAL

4.1 Any complaints arising from the application of this procedure will be addressed (unless specified) in line with the council's Grievance procedure C.5.

4.2 The protection arrangements outlined at paragraph 3.7 will apply for a period of two years from the implementation date of this policy. After this period, the protection arrangements outlined in the previous version of this policy will be reverted to.