

NORTH LINCOLNSHIRE COUNCIL

CORPORATE SERVICES CABINET MEMBER

REDEPLOYMENT PROCEDURE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1. To seek approval for revisions to the council's Redeployment procedure

2 BACKGROUND INFORMATION

- 2.1 The Redeployment procedure forms part of the council's Human Resources (HR) Manual and was last reviewed in July 2006.
- 2.2 The procedure describes the process to be followed as a means to achieve the retention of employees who can no longer remain in their post under defined circumstances. In addition it sets out the scheme of salary protection that will apply should an employee be redeployed into a post that attracts a lower basic salary.
- 2.3 The revised procedure offers clarity around the redeployment of those employees nearing the end of fixed term contracts. It also makes clear that employees will only be redeployed into fixed-term and temporary posts where there are no other options available. The updated procedure also increases the level of support offered to redeployees.
- 2.4 The procedure explains in detail the salary protection method and also how any salary protection will be taken account of in future appointments. The document also clarifies that salary protection arrangements will apply where an organisational review or regarding application results in the re-evaluation of an employee's current post to a lower grade.
- 2.5 Amendments have also been made to clarify that the purpose of redeployment is to find suitable alternative employment, at a salary as close as possible to their existing grade, for employees who cannot remain in their substantive post.

3 OPTIONS FOR CONSIDERATION

- 3.1 To consider and accept the revised redeployment procedure.
- 3.2 To reject the proposed procedure.
- 3.3 To make recommendations to amend the proposed procedure.

4 ANALYSIS OF OPTIONS

- 4.1 This procedure has been revised in light of experience obtained through practical application and the concerns raised at an earlier briefing. The revised procedure offers clarity to all those involved in the redeployment process. Acceptance of the revised procedure will ensure that the council continues to retain employees who can no longer remain in post and avoids unnecessary redundancies.
- 4.2 Rejecting the proposed procedure would result in the council's approach not accurately reflecting current practice.
- 4.3 Recommending further changes to the procedure would require further consultation and delay implementation.

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

5.1 Financial

There are no direct financial implications. Operation of the redeployment scheme does avoid potentially expensive severance costs and significantly reduces the risk of litigation.

5.2 Staffing

The procedure is applicable to all employees of the council other than those employed by schools with delegated powers.

5.3 Property

None.

5.4 IT

None.

6 OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 CRIME AND DISORDER, RISK AND OTHER)

- 6.1 The revised redeployment procedure assists the council in meeting existing legal obligations under the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

7 OUTCOMES OF CONSULTATION

- 7.1 The relevant trade unions have been consulted and are fully supportive of the new procedure. Council management team have also been consulted and support the proposed scheme.

8 RECOMMENDATIONS

- 8.1 That the new procedure be approved and adopted.

SERVICE DIRECTOR HUMAN RESOURCES

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Background Papers used in the preparation of this report: None

1.0 INTRODUCTION

- 1.1 This procedure describes the process to be followed as a means to achieve retention of employees who can no longer remain in their existing post under defined circumstances.
- 1.2 The objective of the process is to find suitable alternative employment. This would be a post that makes use of the redeployee's skills and abilities **and is as close as possible to their existing salary.**
- 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.
- 1.5 For employees who become disabled as defined by the Disability Discrimination Act, and who are no longer able to carry out the duties of the post, the requirement to have completed one year or more continuous service will not apply.
- 1.6 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.
- 1.7 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.
- 1.8 The procedure will not apply to:
- Casual workers
 - Employees with less than one year's service.

- Trainees/apprentices whose contractual terms identify that they are not entitled to redeployment.

Note1: All such workers at 1.8 will be given access to vacancies 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 your Human Resources (HR) service team.

1.9 If more than one redeployee meets the essential criteria for a post, priority will be given to those who meet the criteria defined below.

- 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.
- Where, as a result of an employee becoming disabled as defined by the Disability Discrimination Act, the individual is no longer able to carry out the duties of their post after reasonable adjustments have been considered.
- Where, on the recommendation of the Occupational Health Service, individuals are 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, following a career break an employee is unable to immediately return to his/her substantive post or to a suitable alternative post.

1.10 Where it becomes apparent that exceptional circumstances are likely to prevent an employee from continuing in their existing post, a Head of HR 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 Service Director and the Service Director Human Resources. Normal protection arrangements will apply.

1.11 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 will remain on the redeployment register 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.

1.12 Redeployment may also arise as a result of a Dignity at Work investigation. If the decision of the independent Service 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. *Refer to Dignity at Work Policy D.4.*

1.13 Employees seeking different hours of work or a different location in order to care for a dependant will be included on the redeployment register upon request but will not qualify for protection of salary/pay.

Note 2: 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.

2.0 PROCEDURE

2.1 If employees are unable to continue in their post for one of the reasons defined in paragraph 1.9 above the Service 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 Service Directors will be responsible for redeployment within their service area and may delegate this responsibility to the appropriate line manager who will be supported by a nominated HR service team 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.
- 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.
- 2.5 The nominated HR representative will arrange for the redeployee to receive the published recruitment bulletin in an appropriate format. It will also be recommended to the redeployee that they attend the council's 'Get that job' training.
- 2.6 Nominated HR representatives will be responsible for identifying suitable employment opportunities across the authority for their redeployees, **prior** to a post being offered. Equally, redeployees should monitor the recruitment bulletin and notify their nominated HR representative where they consider a vacancy to be suitable for them.
- 2.7 Redeployees who broadly 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. 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.
- 2.8 Where it proves difficult for a recruiting manager in consultation with HR, to establish whether a redeployee broadly 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.

- 2.9** The interview will follow the normal recruitment and selection process. Redeployees who broadly meet the essential criteria for a post (with a reasonable amount of training, development and support if necessary) will be offered a trial period. **The nominated HR representative will attend the interview where appropriate.**
- 2.10 Where an applicant is not successful the recruiting manager should 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.
- 2.11 Employees redeployed into a post will have a minimum trial period of four working weeks with a maximum of 12 working weeks in which to decide whether they wish to accept the post. The manager will have the same period of time in which to assess the employee's suitability for the post. This performance should be continually monitored using the trial period training plan (see Appendix 4).
- 2.12 In exceptional circumstances and with approval from the relevant Head of HR, the maximum redeployment trial period of 12 working weeks can be extended.
- 2.13 Where an employee is successfully redeployed, the receiving service area will be responsible for paying any basic salary costs from the first day of the agreed trial period. The service area the employee is redeployed from will normally meet the cost of any protection and excess travel expenses throughout the trial period and beyond if the trial results in a permanent transfer.
- 2.14 During the trial period the manager should 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). .

- 2.15 The service area 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 service area will be responsible for paying any associated costs of training that relates to the desirable criteria for a post.
- 2.16 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).
- 2.17 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.
- 2.18 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. 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.
- 2.19 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.

- 2.20 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 Service Director HR for further consideration.
- 2.21 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.

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 3.3. All salary protection payments will be superannuable (subject to pension contributions). Other conditions of service will be protected in accordance with the scheme of protection (see Appendix 1).
- 3.2 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.
- 3.3 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.
- 3.4 The protected salary (personal salary) will be reduced to the actual post value over a three 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 3: Full time equivalent (FTE) is a way of measuring an employee's contribution in respect of 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. Conversely 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.

Year One	Full protection. (personal salary)
Year Two	Post value, plus two thirds of difference between post value and personal salary. (cash value)
Year Three	Post value, plus one third of difference between post value and personal salary. (cash value)
Year Four	Post value.

3.5 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. Whilst national pay awards that also occur during that year will reduce the amount of protection, they will also increase the post value so the employee should see no visible reduction in their cash value salary.

3.6 If an employee is redeployed into or obtains a higher graded post, whilst already in receipt of staggered 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.

3.7 In the unlikely event that an employee is further redeployed into a post that attracts a lower basic salary, whilst already in receipt of staggered salary protection, the

employee's combined basic salary plus protection (cash value) at the point of redeployment will be protected in accordance with paragraph 3.3 above.

3.8 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

3.9 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.