

Procedure

Redeployment and Skills Retention

1. Introduction

There are a number of circumstances when employees may become defined as redeployees and are eligible for redeployment. The first four categories below are protected by statutory provision and therefore have priority over those in the remaining categories. Such cases are complex and advice must be sought.

- Employees on adoption leave and women on statutory maternity leave have a legal entitlement to return to work. If this is not possible (due to a potential redundancy) they have a legal right to a comparable vacant post. This means that they must be offered any position that is a suitable alternative in preference to other employees. The new role must be suitable and appropriate and not substantially less favourable than their previous contract. This does not mean that the employee cannot be selected for redundancy.
- Any disabled employee who needs to be considered for an alternative role whether by reason of redundancy or not. This potentially includes placing that disabled employee in a suitable post without the need for any competitive interview as a reasonable adjustment.
- Redundant employees i.e. employees whose terms and conditions are changing significantly or whose jobs have been deleted and who are under notice of dismissal. Access to redeployment will be through their 12 week notice period.
- Those experiencing ill-health who are capable of fulfilling another role (upon advice from the Occupational Health Service (insert link)). The period of access to redeployment will be agreed on an individual case-by-case basis and in line with advice from Occupational Health.
- In cases of redeployment on medical grounds employees will be defined as redeployees once they are notified by Occupational Health that they are no longer able to carry out their current role and they may be capable of filling another role.
- Employees on a temporary, fixed or limited term contract (except those covering another employee's substantive post), shall have access to redeployment for the period of their contractual notice.
- Employees where action under the Council's Capability Procedure (insert link) is being taken, but only where this is considered appropriate by the relevant service manager – the period of access will be time limited and agreed on an individual case-by-case basis.

- Employees under notice because continued employment in their current role would contravene a statutory enactment, for example, where a driver loses his/her driving licence (excluding employees who are under notice for conduct reasons). The period of access will be time limited on an individual case-by-case basis.

2. Approach to Redeployment

- The initial approach to redeployment is for services to seek to place employees defined as redeployees in vacancies within their own service area. Inclusion in the Talent Pool on the Council's online Recruitment system (insert link) is generally restricted to the categories listed in this policy (see above).
- In a restructure situation, employees will be defined as redeployees as soon as they have been served with their notice of redundancy. This is normally on completion of the assimilation and/or ring fenced recruitment processes within their service area. In some circumstances, this status may be given at an earlier stage, for example, where a whole service closure is proposed. Any such decision will be taken by the relevant service manager following consultation with HR.

3. Responsibilities

Organisation

- The responsibility for ensuring successful redeployment rests with all parties.
- The Council has a legal obligation to minimise compulsory redundancies wherever possible.
- The Council will provide resources to enable staff to upskill/multi-skill to increase opportunities for successful redeployment

Managers:

- Line managers are responsible for supporting their employees throughout their redeployment period. It is important for managers to remember that these employees may temporarily have feelings of low esteem as a result of the circumstances which led to the need to redeploy them. Personal support to these employees throughout the process may assist them in engaging with the job search, presenting their skills to best advantage and so optimise their chances of successful redeployment.
- Therefore, line managers are required to give the necessary support to employees throughout this process, including agreeing to time off to participate in learning and development activities, facilitating access to a Trade Union representative or the Council's Occupational Health Service (insert link) or Employee Assistance Provider (EAP) (insert link) should this be requested.
- Managers of employees defined as redeployees are responsible for supporting these employees through the period of redeployment and must make provisions to allow

attendance to any learning and other development activities and to undertake trial periods.

- Managers are also required to actively consider redeployees as a priority for any vacancies in their service area and are responsible for leading the recruitment process and for agreeing objectives and a personal development plan for the next 12 months with the successful redeployee

Staff: (where defined as redeployees)

- Must actively engage in seeking redeployment opportunities, either in their own service areas and directorates or wider across the council.
- Are required to participate in any learning/upskilling that improves their chances of being successfully redeployed. This may be in the form of on-line or virtual learning, including but not limited to, webinars and online courses that may be available via the council or via an external source.
- Must participate in a trial period where there is a strong skills match to any role within the council.

Human Resources & Organisational Development (HR & OD):

- HR & OD will provide overall advice and guidance as required and to monitor consistency of application of this Procedure.

4. Talent Pool

- Employees who have been defined as redeployees will be included in the Talent Pool and will be directed to the Council's 'My Career Development' portal (insert link) which includes on-line guidance on: career assessments; career management; CV building and job applications; interview skills and job hunting and self and business skills development; and the Workplace Wellbeing Hub for on-line support.
- An employee's service area will meet the cost of any additional support during their redeployment period, for example, face to face (virtual or otherwise) guidance or interview skills.
- Employees are personally responsible throughout the redeployment process for searching and accessing internal job opportunities via the Council's on-line Recruitment system (insert link). Any employees without direct access to the on-line system will be supported by their line manager to access internal job opportunities.

- Employees defined as redeployees may apply for a vacancy if they believe it is suitable and that they can meet the requirements of the role. They should make it clear in their application that they have redeployee status.
- Such roles may not fit the criteria of 'suitable alternative employment' because of different terms and conditions, however, if the redeployee feels that the vacancy might be suitable and they are willing to accept the different terms and conditions, they may make an application. Where an employee accepts a role that is not suitable alternative, they are effectively terminating their original employment contract and accepting a new one. As long as there is no break between the contracts of employment, continuous service will apply.
- Where an employee identifies a potential alternative opportunity they should apply using the online application process ensuring their application states they are a redeployee. If the employee meets the minimum criteria for the post or it could be considered as a suitable alternative, they will be interviewed.
- If the individual is interviewed and is assessed as being unsuitable for the post, the recruiting line manager must provide feedback as soon as possible.
- If a suitable redeployee is identified after a job has been advertised but before any offer is made, the redeployee shall be considered for the vacant post before other candidates.

5. Trial Period

- Employees who have been redeployed will be required to complete a statutory trial period of four weeks. On occasion, trial periods can be extended (up to a maximum of 12 weeks) for retraining purposes only. Any extension should normally be arranged at the start of the trial period and must be by mutual and written agreement specifying the end of the trial period. The cost of the trial period will be met by the original employing service. Employees may undertake more than one trial during their notice period up to a maximum of three trials where a 12 week notice period applies (given that each trial period may last up to 4 weeks).
- During their trial period, employees should keep requests for leave and time off to a minimum.
- If at any time within the trial period either the new service or the employee indicates that the new post is unsuitable, the individual's employment will normally revert to the original employing service.
- Where a trial period is terminated, feedback must be given to the employee. Where a trial period is terminated and the employee has not exhausted their notice period, they will return to their previous service and will re-join the Talent Pool for the remainder of their notice period.

- Grade and rate of pay during the trial period will remain at the redeployees current substantive post. If the trial period is successful and the grade of the new post is lower than the current substantive post, the Council's pay protection arrangements will apply and be backdated to the start of the trial period (pay protection only applies in the case of redundancy – Organisational Change Policy (insert link)). If the grade of the new post is higher than the current substantive post, the higher grade should be applied and back-dated to the start of the successful trial period.
- If the trial period is unsuccessful and the grade of the new post is higher than the current substantive post, the higher grade should be applied for the trial period only.

6. Extension of Notice Period

- In exceptional circumstances, a service area can extend an employee's notice period to facilitate a selection process or trial period.
- If an employee has applied for a suitable alternative opportunity and the interviews have not been arranged by their termination date, an extension of notice for up to four weeks can be agreed to facilitate that particular selection process.
- The employee will not be required to work during this extension period. They will be placed on unpaid leave and will not be permitted to apply for any other council vacancies during this time. There may be an exception made where the Council is required to make a reasonable adjustment under the Equality Act and in these circumstances a further unpaid extension of notice period could be available subject to a reasonable adjustment assessment being undertaken. Reasonable Adjustment Guidance (insert link).
- If a redeployment trial period extends beyond the employees' original termination date, they will continue to be paid for the period of the trial period pending the outcome of the trial period.

7. Refusal to Cooperate

- Should an employee unreasonably refuse to co-operate with the redeployment process or unreasonably refuse a suitable alternative position or to participate in learning and development activities, they will be advised that they may jeopardise their employment, and where appropriate, their eligibility to receive a redundancy payment and where applicable access to their unreduced pension.
- Whether or not a specific post is suitable alternative employment will depend on such issues as pay, job content, work patterns, working hours, status, place of work and will be determined on a case by case basis by the line manager in conjunction with HR.

- Where a suitable alternative position is offered and refused, the final decision as to whether the redeployee has lost their entitlement, as above, will be made by the relevant Director in conjunction with Human Resources.

8. Other General Points

- Managing a redeployment process can be complex and challenging and if handled insensitively or incorrectly creates risks to the Council of litigation and/or reputational damage. It is possible that not every redeployment scenario will be covered explicitly by this policy and in the event of any uncertainty advice from HR must be sought.

9. Resources

Access to further resources are found here (insert links)

Occupational Health Service

Council's Capability Procedure

Council's online Recruitment system

Employee Assistance Provider (EAP)

Council's 'My Career Development' portal

Organisational Change Policy

Reasonable Adjustment Guidance

Effective date	Review date	Owner	Approved by
		HR&OD	