

# REDEPLOYMENT POLICY AND PROCEDURE

## Introduction

1. The Council, as part of its responsibility as an employer, recognises the need to support and assist in the redeployment of employees<sup>1</sup> who are:
  - Under threat of redundancy;
  - Have ill health to the extent that they are unable to continue with the duties of their current job but may be able to carry out the duties of other jobs within the Council;
  - Under notice from a contract of employment which is over two years' duration; and
  - At the discretion of the Assistant Chief Executive (People Management & Performance), unable to continue employment in their current post due to exceptional circumstances.
2. Whilst the Council is committed to this process, we cannot guarantee that suitable alternative employment will be available in every case.

## Scope of the Redeployment Policy

3. This procedure covers all employees including centrally employed teachers but excluding staff on the complement of locally managed schools for which local arrangements exist.
4. All Council vacancies that form part of its establishment will be advertised to employees on the redeployment register regardless of the funding stream. However, posts funded jointly with partner organisations and/or the Welsh Government may be subject to an agreed redeployment protocol.

## Why Offer Redeployment Opportunities?

5. Employers have a legal obligation to consider employees for suitable alternative employment (SAE). By offering redeployment opportunities, we aim to support employees at a difficult time in their careers and lives and to enable some to continue working when they may not otherwise have been able to. Legislation governing this includes the Employment Rights Act 1996, Employment Act 2002, Employee Relations Act 1999, Maternity and Parental Leave Regulations 1999, Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the Equality Act 2010.

## What Is Redeployment?

6. Redeployment within Carmarthenshire County Council is a formal process which sets out the stages and timescales allowed for employees to be fairly considered for SAE. It does not guarantee SAE to all those who are considered under this process. The process and timescales are outlined in detail.

<sup>1</sup>. Please refer to Temporary/Fixed Term Contract Guidance.

## **REDEPLOYMENT PROCEDURE**

### **Responsibilities**

7. The Line Manager is responsible for ensuring that the procedure is followed, for keeping written records and for keeping employees informed and supported throughout. Advice can be sought from the HR Team.
8. The employee is equally responsible for keeping in touch with their line manager and appropriate HR Advisor and being pro-active in identifying SAE.
9. The HR Team within the People Management and Performance Division are responsible for monitoring the policy and procedure.

### **Stages of the Procedure**

10. This process should be followed in all cases where an employee is unable to continue in their current job for one of the reasons outlined in paragraph 1 and has not opted to leave the Council voluntarily.
11. Employees will be entered onto the redeployment register for at least the minimum period of their contractual notice<sup>2</sup>. If however an employee or group of employees are identified as 'at risk' earlier in the formal consultation process the line manager, with advice from a nominated HR Advisor, may offer 'at risk' employees access to the redeployment register for a period of up to four weeks before the period of contractual notice commences
12. In exceptional circumstances the Assistant Chief Executive (People Management and Performance) has the discretion to extend the period on the Redeployment Register.
13. Following a discussion with the employee, the Line Manager arranges for him/her to complete a Redeployment Application Form (Appendix B). The employee should return the completed form to the appropriate HR Advisor within 14 calendar days. Employee should be offered support to complete this form as it is used to match the employee against vacancies as they arise. The Council has an obligation to assist staff with redeployment, so if an employee refuses to consider redeployment or does not complete the form, s/he will be advised in writing that they will still be included on the redeployment register but that a continuing refusal to provide information may mean that they cannot be properly considered for SAE and that this may impact on their continued employment with the Council.
14. On receipt, the form should be checked by the nominated HR Advisor and a copy sent to the Line Manager and the employee details recorded on the Central Redeployment Register.

<sup>2</sup> Where employees are declared permanently unfit to continue in their substantive post the redeployment process will be handled in line with the Council's Sickness Absence Policy.

15. Names and details of all employees on the Redeployment Register will be circulated weekly to all HR Advisors. This will include the employee's current grade, the preferred work location, brief outline of current duties, any restrictions on type of work, the name of their line manager, etc. This list will only be accessed by HR Advisors to ensure confidentiality of data held. At the same time, details of redeployment vacancies<sup>3</sup> will be advertised on the corporate website for Line Managers and employees to view.
16. The Council is obliged to offer SAE where available to a woman whose position becomes redundant whilst she is on ordinary and/or additional maternity leave. This means that a woman under notice of redundancy will be offered SAE before any other employee whose job is also redundant but who is not absent on maternity leave. This applies even where the vacancy arises before the employee on maternity leave has notified the Council of her intended date of return.
17. If an employee is disabled as defined by the Equality Act 2010, and his/her employment is 'at risk' the Council is obliged to make reasonable adjustments to support the employee to continue in their existing post in the first instance. Where it is unreasonable to make the necessary adjustments to the employee's existing post the Council has a duty to consider SAE in line with the procedures set out below. Line Managers are advised to seek advice from the appropriate HR and Occupational Health Advisor in such circumstances. This adjustment may fall within the definition of exceptional circumstances as agreed by the Assistant Chief Executive or her/his representative.
18. Employees who are absent on maternity leave or due to long term illness must be kept informed at all stages of this procedure and given the same information and opportunities as other affected employees.
19. Line Managers must review the employee's details against all the vacancies on the list, focusing on possible SAE for the employee within the employing Department. Line Managers should consider all possibilities including placing re-deployees into posts where staff are absent on long-term sick leave, part-time and temporary jobs or work which is usually covered by Agency staff.
20. If potential SAE is identified, the Line Manager must notify the employee using the letter attached as Appendix C, who should return this within 7 calendar days.
21. It is equally the responsibility of the employee to actively search for SAE within the Council and if s/he identifies a suitable post to advise the appropriate HR Advisor as soon as possible using the same form. The employee must receive a copy of the Job Profile Person Specification for the potential SAE to enable them to confirm their interest in the vacancy.
22. As soon as the Line Manager/employee identifies a vacancy, the Central HR Team must be advised immediately. They will then notify the department in which the vacancy exists and advertising will be suspended pending the assessment of suitability of the employee.

<sup>3</sup> Employees on the redeployment register will have access to redeployment vacancies up to a week prior to open internal and/or external advertisement. Employees expressing interest in vacancies after they have been shortlisted will not have preferential access and will be considered in open competition in accordance with the usual recruitment and selection process.

23. The employee's Redeployment Application Form will be submitted to the recruiting manager for each vacancy the line manager or employee identifies as suitable SAE by the Central HR Team. In addition, employees may submit a supporting statement outlining how their experience, skills and knowledge match the person specification for each post they wish to be considered for. The recruiting manager should plan to assess any candidates from the redeployment register no later than 14 calendar days of receipt of an application to avoid delays in the recruitment process for all parties.
24. Where an employee's skills, experience and qualifications have been assessed and match the essential criteria of the person specification of a post advertised on the redeployment register the recruiting manager will be obliged to offer a trial period of at least four weeks to the employee (which can be extended up to twelve weeks in certain circumstances, e.g. the manager and employee agree that appropriate training and induction would take longer than four weeks). During a trial period the employee's details will be removed from the redeployment register.
25. Where there is more than one 'at risk' employee expressing an interest in the SAE suitability will be determined using agreed selection techniques, usually interviews and additional selection tests where applicable, in accordance with the Council's Recruitment and Selection Procedure or Redundancy Policy, as appropriate, normally within 14 calendar days of receipt of the application. The appropriate HR Advisor will monitor this process including actively participating on interview selection panels at periodic intervals.
26. When considering suitability the employing department must consider not only whether the employee is immediately able to do the job but also whether s/he may be able to do so after reasonable training and support. If this is the case, no decision shall be taken without the advice of the nominated HR Advisor and in such circumstances serious consideration should be given to offering the post on a trial basis of at least four weeks (which can be extended up to twelve weeks in certain circumstances e.g. if the department and employee agree that appropriate training and induction would take longer than four weeks), after which time, suitability will be reassessed in light of any training and support provided.
27. The employee remains the responsibility of the original employing department during the trial period until SAE is confirmed. Where SAE is confirmed and this is temporary/fixed term (i.e. less than 12 months) the original employing department maintains responsibility for redundancy pay, if applicable, at the end of the temporary period. The new employing department is responsible for discussing the nonrenewal/renewal of the temporary/fixed term contract with the employee following advice from the HR Team. .
28. Examples of "reasonable support and training" may include:
  - Making reasonable adjustments to work equipment or programmes, to enable a disabled person to carry out the job;

- Providing IT training to an individual who has limited IT skills;
29. Further advice on what may be considered as “reasonable support and training” is available from the HR Team. If the employee is seeking redeployment on health or disability grounds, s/he may be eligible for support via Work Choice or Access to Work (Line Managers should contact the Occupational Health Unit for advice).
  30. In medical redeployment cases, the Occupational Health Unit must be included in any discussions relating to an individual’s ability or fitness to do the job, **prior** to a decision being made.
  31. If an employee is unsuccessful in securing the potential SAE at any stage of the process, i.e. application, interview or work trial, then the recruiting manager will confirm the reasons for rejecting the applicant in writing within seven calendar days of the decision (following advice from the nominated HR Advisor) and the employee will return to the redeployment register. A copy of the letter must be sent to the employee’s Line Manager and nominated HR Advisor.
  32. If the employee turns down the offer of support or SAE at any stage in the procedure, i.e. application, interview or work trial, then the employee must do this in writing outlining the reasons for the refusal. If it is considered that an employee has unreasonably turned down support or an offer of SAE, they should be advised that their continued employment and redundancy payment (if eligible) with the Council may be at risk.

### **Protection Of “Pay”**

33. The pay of employees who accept SAE is not protected. The rate of pay for the “new” job applies even if it is lower. The terms and conditions of the new job also apply. Employees must be made aware of this prior to accepting a job. The new pay and conditions apply from the day after the agreed trial period ends. Any differential which exists during a trial period (e.g. an employee who is moving from a higher to lower paid job), will be borne by the original employing department. Any employee redeployed to a post which is likely to result in a reduction in pay will need to discuss the implications with the nominated HR Advisor if they are a member of the Local Government Pension Scheme

### **Consideration For Redeployment – Time Limits**

34. The length of time for which employees will be retained on the Redeployment Register and considered for potential SAE will be in line with paragraph 11 of this procedure.
35. In medical redeployment cases where SAE has not been secured the nominated HR Advisor will ensure that all medical information is available from the Council’s Occupational Health Unit prior to considering dismissal and issuing contractual notice.
36. Employment is terminated subject to relevant policies and legislation e.g. Sickness Absence, Redundancy, etc.



## **Maintaining Records**

37. It is important that confidential written records are maintained for every employee who is seeking redeployment, containing:
- Copies of correspondence sent to the employee
  - Copies of correspondence received from the employee
  - Dates of referral to the Redeployment Register
  - Details of jobs offered to the employee
  - Details of reasons for refusal of SAE

This will usually be the responsibility of the HR Team, who will ensure that Data Protection Act requirements are applied.

## **Review of decision regarding SAE**

38. If an employee's application for SAE has been rejected at application, interview or at the end of the work trial s/he can ask for the decision to be reviewed by the Director of the recruiting Department or nominated representative with advice from the Assistant Chief Executive (People Management and Performance) or nominated representative.

A review of decision can be requested on one of two grounds:

a. Unsubstantiated Comment

This is where the candidate perceives that the assessment for SAE is based on assumptions or comments regarding their suitability and/or performance, which cannot be supported by evidence.

b. Failure to follow procedures

This is where it can be evidenced that the correct procedures and principles of the Redeployment Process have not been followed.

39. The request for a review of decision must be made in writing to the Assistant Chief Executive (People Management and Performance) within 7 calendar days of the SAE Assessment outcome or failure to follow procedure, and must set out the reasons for the request for a review.
40. The Director or nominated representative will review the decision with advice from the Assistant Chief Executive (People Management and Performance) and confirm the outcome to the candidate without undue delay.

## **Ensuring Equality Of Treatment**

41. This policy must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non belief, age, sex, gender reassignment, sexual orientation, parental or marital/civil partnership status, pregnancy or maternity.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

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