

Redeployment Policy

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Contents

Contents.....	2
1. Aim	3
2. Definition.....	3
3. Scope.....	3
4. Principles	4
5. Approach	5
6. Detailed Guidance	7

1. Aim

- 1.1 Bury Council is committed to the principle of maintaining the highest possible level of job security for its employees and retaining its employees through redeployment to suitable posts wherever possible.
- 1.2 When redeployment is necessary this policy will override the current external/internal advertising policy and place restrictions on external recruitment. Every effort will be made to redeploy employees where possible and consider requests for voluntary redundancy and/or voluntary early retirement and other reasonably practicable measures in order to avoid a compulsory redundancy situation.

2. Definition

- 2.1 Redeployment is a process which aims to reduce the need for redundancies by offering suitable alternative employment where this is available.
- 2.2 The redeployment procedure will be applied in situations where an employee is unable to continue in their current role due to changes as a result of internal and/or external factors, for example where a potential redundancy situation has been identified, for reasons of health, disability, capability, or the ending of a fixed term contract.

3. Scope

- 3.1 This procedure applies to all employees with a minimum 12 months' service; this being with the exception of staff appointed by a Governing Body of a school where separate arrangements are in place. However, where employees are in a potential redundancy situation and have less than these periods of service this procedure will apply.
- 3.2 In respect of temporary members of staff with 12 months' service guidance contained within the Fixed Term Contracts Toolkit should be followed. Follow the attached link:- [Fixed term contract policy - Bury Council Intranet](#)
- 3.3 Employees of Persona Care and Support Limited with a minimum of 12 months' service are eligible to be held on the redeployment list but will be considered for redeployment opportunities only after full consideration of Bury Council employees on the redeployment list and Council employees in a period of protection as a result of being detrimentally affected by job evaluation.

- 3.4 The redeployment search period will not normally exceed the employees' statutory or contractual notice period (whichever is the greater).
- 3.5 There are 3 designations of employee on the redeployment list:
- **Priority 1** - Employees under notice of redundancy and those on the redeployment list for reasons of health, disability, capability, or the ending of a fixed term contract in accordance with the Fixed Term Contract Toolkit.
 - **Priority 2** - Employees whose posts are subject to a service review that could lead to a reduction in staffing numbers, but are not under notice.
 - **Priority 3** - Employees of Persona Care and Support Limited

4. Principles

- 4.1 Managers must follow Local Conditions of Service - Appendix A and the Council's Employee Consultation Toolkit where appropriate and, if the consultation exercise is likely to lead to a reduction in staffing numbers in a particular job role/category, those employees potentially affected must be placed on the redeployment list at the start of the consultation process as Priority 2. Employee consultation toolkit - Bury Council Intranet

Employees will be either moved to Priority 1 when they are under notice or be removed from the list once their continuing employment has been confirmed at the end of the consultation period.

- 4.2 Redeployment may arise for a number of other reasons including ill health, disability, capability, or at the end of a fixed term contract. In these cases prior to employees being put on to the redeployment list the manager and a representative from HR should hold a discussion with the employee to explain the redeployment process
- 4.3 If the employee is to be considered for redeployment on the grounds of ill-health or disability the manager must ensure that reasonable adjustments to their current role have been considered and are no longer/not viable. Redeployment on medical grounds must always be on the recommendation of Occupational Health.
- 4.4 Managers will keep notes of all discussions and agreements and confirm these in writing to the employee and Trade Union representative if appropriate.

5. Approach

- 5.1 Where an employee is placed on the redeployment list in a potential redundancy situation, follow the procedure below from point 5.2. Where an employee is on the redeployment list for any other reason, move straight to point 5.3.
- 5.2 At the initial consultation in a potential redundancy situation, employees should be informed about the redeployment process and placed on the redeployment list as Priority 2. To do this, the HR Advisor should add the employees to the redeployment register.
- 5.3 When employees are put on notice, they move to Priority 1. At this point, the manager and/or HR Advisor will meet with employees either individually or as a group to explain in detail the redeployment procedure and process and the support available. Employees will be given 5 working days' written notice of the meeting (unless mutually agreed otherwise), including their right to be accompanied at the meeting by their Trade Union representative or a work colleague.
- 5.4 The redeployment discussion should include what would be suitable and realistic redeployment options, advice and encouraging the employee to be pro-active in seeking suitable training to enhance their skills and support the redeployment process in the timeframe available.
- 5.5 Where appropriate, agreement will be sought for a referral to Occupational Health for an assessment of the employees' capabilities and any reasonable adjustments that may be required to support their redeployment. Consideration should be given to the need for a Support/Adjustment Agreement.
- 5.6 Once an employee is on the redeployment list they will be directed to Greater Jobs where jobs will be regularly advised for redeployees and will be advised to sign up to job alerts.
- 5.7 The search for redeployment will normally be for a period not to exceed the employees' statutory or contractual notice period (whichever is the greater).
- 5.9 A HR Advisor will act as the point of contact and this should be notified to the employee at the outset. It is good practice to maintain a record of contact made with each redeployee.
- 5.10 Individual circumstances will be recognised and a holistic approach to present and previous skills and experience will be taken. To be considered a viable redeployment opportunity a vacancy should either be permanent job opportunity or fixed term for a period in excess of three months.
- 5.11 If an employee has not found alternative employment at the end of the search period either: -

- i. In cases where an employee is Priority 1 and under notice of redundancy their redundancy will take effect when their notice period expires and a redundancy payment made;
- ii. In cases of expiry of a fixed term contract the employment will terminate on the cessation of the contract and a redundancy payment made where this is a legal requirement;
- iii. In cases of redeployment on the grounds of health, disability, or capability a review meeting will take place in line with the Council's Hearing Procedure. The meeting will be chaired a manager within the employing department accompanied by a HR Advisor, at which all the information will be considered, and a decision taken. The employee can be accompanied at this meeting by a trade union representative or work colleague and has a right of appeal.

In these circumstances the companion should be allowed to address the meeting in order to:

- Present the employee's case;
- Sum up the employee's case;
- Respond on the employee's behalf to any view expressed at the meeting;
- Confer with the employee during the meeting.

They should be able to participate as fully as possible in the meeting, including asking witnesses questions.

However, the companion cannot answer questions on the employee's behalf, address the meeting if the employee does not wish it, or prevent the management representative from explaining their case.

No other person, for example partner or relative, will be allowed to attend the meeting. Reasonable adjustments will be observed, in line with the Equality Act 2010.

5.12 In respect of 5.11 (iii) above possible outcomes at this stage may include but are not limited to:

- termination of employment;
- an application for premature retirement;
- an extension to the search for redeployment;
- temporary redeployment to another post whilst redeployment on an indefinite basis is still sought.

5.13 Where redeployment is sought as a result of a Stage 3 Capability Hearing the search for redeployment will run concurrent to the notice period and if no opportunities become available during this time employment will terminate once the notice period expires.

6. Detailed Guidance

6.1 Suitable Alternative Employment (SAE)

6.1.1 Redundancy Situation:

- i) In a redundancy situation the Council has a legal obligation to make every reasonable effort to find suitable alternative employment.
- ii) Suitability depends on:
 - how similar the work is to the employee's current role including seniority
 - the terms and conditions of the role not being less favourable
 - the employee's skills, abilities and circumstances in relation to the role requirements
 - Basic pay (excluding any role specific payments like matrix payments and contractual overtime unless these are relevant to the proposed role – but including benefits like pension), status, hours and location of the role
- iii) SAE will be investigated as far as possible. Situations will be looked at on a case-by-case basis and regular conversations will take place with the employee around roles that may be suitable. If roles are identified, a discussion must be held with the employee to see if they agree they are suitable. Employees will also express an interest in any roles they deem as sae.
- iv) Every effort will be made to reach an agreement on whether or not a role is suitable, however if, following discussions, an employee disagrees, the final decision as to whether the role is suitable will be made by the employer (based on clear HR advice), following a discussion around the circumstances with the relevant Trade Union.
- v) If a role is deemed suitable, it should be offered instead of redundancy. Employees will not have to formally apply for the role, however, if more than one employee is interested in the same role:
 - the role must be offered to any employees interested on maternity leave, adoption leave or shared parental leave
 - for all other employees, a fair process must be followed, for example holding interviews for the role
- vi) If an employee refuses an offer for a suitable alternative role, or turns it down after the trial period, they need to have a valid reason why it's not suitable. Examples of reasons could include:
 - the job is on lower pay
 - health issues stop them from doing the job
 - they have difficulty getting there, for example because of a longer journey, higher cost or lack of public transport
 - it would cause disruption to their family life

If the employee has a valid reason to turn down the job and this is agreed, they will be entitled to redundancy pay. If there is no valid reason for refusal their redundancy payment may be withheld.

- vii) It is accepted that employees under notice of redundancy may wish to be considered for a non-equivalent alternative employment (NEAE) rather than be made redundant, e.g. the post matches their skills but is of a lower grade or has less hours. In cases where the offer of employment made is for one of non-equivalent alternative employment (NEAE) any refusal of the offer will not result in the withholding of any redundancy payment.
- viii) Where an employee under notice of redundancy accepts a temporary post that would not normally attract a redundancy payment on termination (e.g. cover for maternity leave) their redundancy payment can be deferred and paid on termination of that contract as a compensatory payment in line with a compromise agreement, if further redeployment searches are unsuccessful and their employment is terminated. In these cases the employee would return to the redeployment list for their requisite period of notice.
- x) In line with the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024, the beginning of pregnancy to 18 months after childbirth is a “protected period” during which a woman is entitled to special consideration if this is necessary to make good any disadvantage she might otherwise experience. The same protection also applies to employees who are on adoption leave or shared parental leave

6.1.2 Non Redundancy Situation:

- i) In a redeployment situation that has not arisen due to a redundancy selection process the same principles around selection will apply. However, employees interested will have to express an interest in any role available.
- ii) In addition, the employee should either meet the minimum requirements of the person specification or be considered able to demonstrate their ability to do so with appropriate training and support during a trial period.

6.2 Apprentices

Apprentices will normally be employed in permanent roles. Where an apprentice is employed on a fixed term contract, it is recognised that the requisite skills and experience they have obtained during the period of their apprenticeship will be taken into account when considering suitable alternative employment.

6.3 Advertising Vacancies and the Selection Process

- i) Vacancies will be screened for suitability in the following circumstances prior to going on Greater Jobs:
- To ensure compliance with regulation 10 of the Maternity and Parental Leave Regulations 1999 all vacancies will be considered for employees under notice of redundancy who are on maternity shared parental leave or adoption leave **prior to advertising** and discussed, agreed and offered if a SAE
 - If a vacancy is identified as a potential SAE for an employee on notice of redundancy, there should be a discussion with the employee and if appropriate agreed and offered if a SAE.

- ii) All vacancies identified as suitable for redeployment with the exception of those appointed to by a Governing Body of a school where there are separate arrangements in place, will be placed on Greater Jobs..

To facilitate this, hiring managers, once vacancy approved to fill, will complete their advert on Greater Jobs and send through to HR Operations for approval. The HR team will mark the job as redeployment only.

Where a redeployee applies for a role, they should notify HR Operations Team in the first instance so we can ensure the recruiting manager is aware and applies the necessary adjustments including consideration to:

- **Priority 1** Employees under notice of redundancy and those on the redeployment list for reasons of health, disability, capability, or the ending of a fixed term contract (see fixed Term Contract Toolkit).
- **Priority 2** Employees whose posts are subject to a service review that could lead to a reduction in staffing numbers, but are not under notice.
- **Priority 3** Employees of Persona Care and Support Limited

- iv) On receipt of an application the manager will conduct a short-listing exercise and call people to interview if they meet the essential criteria. In normal circumstances essential criteria must be met. However, in some cases, where there are no formal qualifications and/or professional experience required (for example the essential criteria states that candidates must have experience of using Microsoft Office packages), managers may consider employees who feel they can demonstrate that they could meet the essential criteria within a reasonable period of training.
- v) There will be a selection process in order to establish whether or not the position is suitable for the employee, taking into account their

transferrable skills, knowledge, and experience, as well as the terms and conditions of the post. The process should be tailored to the requirements of the job; being a formal panel interview, a working interview, or a more informal discussion. Any of the afore mentioned can be combined with a skills assessment. Where requested support can be provided from HR. HR Advisors can advise on the content and structure of the questions and any skills assessment as this should not necessarily replicate a normal recruitment process, being more flexible to take account of the nature of the work experience and skills of the redeployees being considered for the vacancy.

- vi) When considering applications from disabled redeployees managers should be open to making changes to the job description as a reasonable adjustment and be aware that we are required to take such actions under the Equality Act/Public Sector Duty. Assumptions should not be made regarding what would be suitable for a redeployee with disabilities; seek advice from the person themselves and where appropriate from Occupational Health.
- vii) The benchmark should be realistic bearing in mind the level and nature of the duties of the post and the knowledge and experience required. The benchmark should be at least 10% below the usual benchmark for that particular job which is (70%) at 60%.
- viii) HR advisors should be notified of the decision whether or not the candidate has been shortlisted and/or offered/not offered the role as a redeployment opportunity. If successful, HR Advisors should notify the HR Operations Team so the necessary iTrent changes can be made. Copies of interview notes and feedback/rationale must also be sent and managers may be asked to justify the decision.
- ix) If more than one employee under notice of redundancy is being offered an interview for a role deemed as SAE then attempts should be made to schedule the interview prior to the expiry of their notice period. However, if this is not possible consideration will be given to extending the notice period (at the expense of the original employing department) to allow the interview to take place.

6.4 Trial Periods

6.4.1 Priority 1 employees under notice of redundancy

- i) Employees under notice of redundancy have a right to a statutory trial period of 4 weeks in an alternative job as either SAE or NEAE.
- ii) Employees offered suitable alternative employment whilst on maternity/shared parental leave/adoption leave have an entitlement to a statutory 4 week trial, which would commence when they start to work in their new job role.

- iii) If an alternative post is secured during the notice period the trial will run concurrent with the notice period and, if it is unsuccessful, the employee would return to the redeployment list for the remainder of their notice period if applicable.
- iv) Whilst on the trial, the employee would remain on the redeployment list at Priority 2. They would return to Priority 1 status if they go back on the redeployment list for any remaining notice period.
- v) The purpose of the statutory trial period is to enable both the employee and the Council to assess the suitability of the post. If a manager deems an employee to be unsuitable for the post during their four-week trial period this will be referred to the Director of People and Inclusion to make a determination. This should be done at least a week before the end of the trial. If agreed, they will return to the position they were in prior to the offer of alternative employment. Any challenge to this decision would be through the Council's Grievance Procedure.
- vi) Should an employee consider a job to be unsuitable once they have started their trial they should confirm this in writing to the Director of People and Inclusion, detailing the grounds on which he/she believes the post to be unsuitable. This should be done at least a week before the end of the trial. If the employee's case is supported they will return to the same position they were in prior to the offer of alternative employment. However, if their case is rejected and the Council considers this to be an offer of SAE their redundancy payment may be withheld.

The determination of what is suitable and what constitutes an unreasonable refusal is not statutorily defined and hence each case will need to be determined on merit and considered by the Director of People and Inclusion, in conjunction with the relevant Executive Director and the Unison Branch Secretary.

- vii) The four-week trial period can be extended for retraining purposes but this must be agreed and recorded at the outset. The extended trial period will need to be specified in writing, detailing the date on which the trial period ends and setting out the employee's terms and conditions after it ends.
- viii) If the employee works beyond the end of the four-week period or the jointly agreed extended trial period any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment. At this point the employee would move on to the terms and conditions relating to their new post.
- ix) If the employee successfully obtains a temporary post they will be removed from the redeployment list and be put back on the list for their statutory or contractual notice period (whichever is the greater).

- x) To preserve continuity, the offer of the new job must be made before the redundancy takes effect. If the new job starts no later than four weeks after the original job ended, providing there is no other employment in the intervening period, the employee will be put on leave of absence without pay until they commence in their new role and a redundancy payment will not be made.

Where the termination takes effect on a Friday, Saturday or Sunday, the contract is treated as terminating on the following Monday.

6.4.2 Other Priority 1 employees on the redeployment list due to reasons of health, disability, capability or ending of a fixed term contract; Priority 2, and Priority 3 employees

- i) If the interview panel/manager feels the employee satisfies the essential requirements for the post, the employee will be offered the post subject to a trial period of 4 weeks. Progress within the 4-week period should be clearly documented using the Redeployment Trial Record Sheet (4 weeks). Where appropriate at this stage the manager would be provided with a copy of the Support/Adjustment Agreement and ensure any reasonable adjustments to support the redeployment are in place.
- ii) Where the interview panel/manager feels that the employee does not satisfy the essential requirements of the post but may do so after a reasonable period of training and/or experience (see 6.3 iv), the post may be offered to the employee on an extended trial period of 3 months. Progress within this 3-month period should be clearly documented using the Redeployment Trial Record Sheet (12 weeks).
- iii) In cases where the manager considers that the employee has been unable to show competence in fulfilling the essential job requirements training and support given throughout the trial period must be clearly evidenced. HR Advisors should be notified of this at least a week before the trial is due to end and a hearing arranged in line with the Council's hearing procedure (as detailed in paragraph 5.11(iii) above). If, following the hearing, the trial is deemed to be unsuccessful, the employee will become the responsibility of the original employing department and options at paragraph 5.12 considered.
- iv) A redeployment trial will run concurrent to the redeployment search period. In cases where a trial ceases due to unsuitability of either the post or the redeployee the search period will continue for the amount of time remaining in the original search period. At this point the employee may be asked to move to a different team to be supernumerary /undertake basic tasks whilst the search continues. On expiry of the search period a meeting should be arranged where options can be considered as detailed in paragraph 5.11 iii).

6.4.3 During all trial periods, where an employee is redeployed to a post at a lower grade, the employee may be asked to undertake work of a more senior level

commensurate with their protected salary during their period of salary protection.

6.5.4 During all trial periods, employees must be provided with an induction to the role along with any necessary training needed to fulfil the duties expected.

6.5 Salary Protection

6.5.1 Salary protection will be paid by the employee's original employing department in line with the Council's Salary Protection arrangements outlined in Local Conditions of Service. The original employing department will fund the differential between the protected grade and the grade of the redeployment post for the full period of the protection. They will also fund:

- reasonable initial retraining costs; i.e. to satisfy agreed training needs identified to enable the employee to become competent in fulfilling the essential requirements of the post;
- subsequent redundancy payment and proportionate redundancy payment when an employee takes a temporary contract that would attract a redundancy payment on termination as an alternative to redundancy. In the latter case when a fixed term contract is extended beyond the original end date full redundancy liability would transfer to the new employing department.
- if the substantive employment base is changed as a result of the redeployment, excess travelling costs (not time) will be paid for the agreed protection period and in line with Local Conditions of Service.

6.5.2 Employees should consider the option of redeployment to two part-time posts so they can retain, as near as possible, their present income. Where an employee secures a part time post for fewer hours than they previously worked, they would remain as Priority 1 on the redeployment list in respect of their remaining hours for the remainder of their original notice period where appropriate.

6.5.3 There will be no salary protection where redeployment is on the grounds of capability or disciplinary action or following the end of a fixed term contract.

7. Evaluation and Measures of Success

7.1 Redeployment is not just an alternative to redundancy, but is an opportunity to:

- offer employees new challenges
- increase productivity and performance
- promote a positive culture
- improve employee health and wellbeing
- increase employee engagement and motivation

- enable the Council to be seen as a responsible employer
- reduce redundancy payments
- reduce recruitment and onboarding costs

7.2 Measures of success can be monitored around these areas in the future.

Bury
Council