

Desktop Review of Lancaster City's Redeployment Policy

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Although employers are under a duty to avoid or minimise redundancy situations by considering affected employees for available and suitable alternative employment, it should be noted that there is no legislation that deals specifically with redeployment situations or protection of earnings (other than the statutory 4-week trial period and some maternity/adoption leave situations). Therefore, policy detail relating to redeployment is largely a matter for local agreement.

Comments on Lancaster City's Redeployment Policy are separated into four headings plus a conclusion.

1. Trial Periods

The Council's policy states that 'a trial period will last for thirteen weeks unless an earlier date is agreed'. Our (limited) research would suggest that a trial period of this duration is at the top-end of what might be expected. Perhaps a more typical approach, particularly amongst District Councils in Lancashire, would be a trial period of at least four weeks which could be extended when reasonable to do so – e.g. because of a training need.

2. Time on Redeployment List

The Council's policy states that it will be normal policy to offer affected employees two redeployment opportunities wherever possible and failure to redeploy after two attempts will normally result in employment being terminated on the grounds of redundancy. Whilst this position is not unique, an alternative and seemingly more common approach is not to specify a 'normal' number of redeployment opportunities but to merely consider any suitable posts that arise during the notice period. The Council's policy, it would appear, in not specifying when notice of redundancy may be issued or how long an employee may remain on the redeployment list between or before 'trial periods', means that an employee could be on the redeployment list for 26 weeks (or more) before notice of termination is actually given.

(Note: the question of continuing or removing the distinction between compulsory and voluntary redundancy payments may also be relevant to this aspect of the Redeployment Policy - see Review of Early Termination of Employment Policy for detail).

3. Pay Protection

The Council's policy on pay protection for redundancy-related redeployment situations, in terms of duration and percentage, appears to be broadly consistent with the practice of many other authorities. However, some authorities limit the scope of pay protection to no more than 4 incremental points above the maximum of the lower graded job. It may also be helpful to indicate what aspects of pay are protected – e.g. shift allowance but not call outs payments.

The paragraph headed 'Further Redeployment During the Protection Period' states that an employee subject to further redeployment whilst pay is being protected will have future pay protected on earnings prior to the protection arrangements coming into affect. This could potentially lead to an employee receiving six more years' protection. I have not seen a similar provision in other authorities' policies and, in the absence of any explanation, would suggest that this is something that the Council may wish to consider further.

4. General Comments

The Policy seems to apply to all staff. Some authorities restrict access to 'generous' redeployment – for example, it only applies to staff who have more than one year's service.

The policy says that affected employees will always be offered an interview – even if the vacancy does not appear to offer a realistic or appropriate opportunity for the employee concerned. Consideration should be given to amending this so, for example, only affected staff who meet the essential criteria are guaranteed an interview.

The phrase, 'alternatively the employee will be deployed elsewhere on a surplus to requirements basis until another redeployment opportunity is identified' creates uncertainty over timescales and adds to the lack of clarity as to when dismissal notices should be issued.

The Parental and Maternity Leave Regulations require employers to offer employees who are in a redundancy situation and on maternity/adoption leave any available suitable alternative employment in preference to other employees. There is no requirement to include such a reference in a redeployment policy but it may be helpful to do so.

Some redeployment policies include a provision for 'slotting-in'. The process allows employees whose jobs in an old structure are the same as, or very similar to a job in the new structure, to be slotted-in without the need to go through any formal application/appointment process.

5. Conclusion

The policy is written in a way that seeks to absolutely minimise the risk of compulsory redundancies and was perhaps conceived at a time when the potential for larger-scale redundancies was not a reality. As a consequence, the policy is more generous, certainly in terms of timescale, than might

otherwise have been the case. The Council will need to review the provisions of the policy to determine whether it is fit for purpose in the present climate and strikes the right balance between the interests local authority, its communities and employees.
