

REDEPLOYMENT POLICY

POLICY STATEMENT

Lancaster City Council recognises the importance of creating as secure a working environment as possible for employees and will take steps to ensure continuity of employment through the planning of resources for effective, economic and efficient provision of its services to the local community.

However, in recognising the need to provide quality services and bearing in mind the continuing changes in Local Government, the economic climate, and budgetary constraints; it is acknowledged that adjustments may be necessary from time to time to staffing levels. Where changes are necessary and lead to restructuring or reductions in service provision, impacting on employees, the Council will seek so far as possible to protect the interests of employees.

In seeking to minimise the impact of change on its employees, the Council will commit to making every reasonable effort to offer redeployment opportunities to those employees whose jobs have effectively disappeared or are likely to disappear as a consequence of any review or restructuring of Council Services. However, it must be recognised that this will only be possible where a suitable opportunity can be found.

The Council recognises that the Trade Unions have an important role to play in the implementation of a redeployment policy and will involve representatives of relevant Union(s) in all aspects of the redeployment procedures set out in this policy and will advise all employees affected of the availability of their Union representative's support throughout the procedure.

1. INTRODUCTION

It is accepted that the successful operation of this redeployment policy and procedure depends upon the goodwill and co-operation of those involved.

The effect of an impending redeployment on an individual may be significant, placing that employee in a difficult situation. Managers will be committed to dealing with employees in a sensitive and sympathetic manner and will be offered training and guidance in the implementation of this policy if appropriate.

It is intended that these procedures will apply to 'affected employees', i.e. those employees whose jobs are likely to disappear as a result of a Service Review or other organisational change. The names of 'affected employees' will be kept on a Redeployment Register, which will be maintained and held by HR.

Employees on the redeployment register will be given priority when applying for jobs up to one grade higher than their current post.

It is not intended that this Policy will apply to employees who apply for voluntary redundancy. Nor will the voluntary redundancy scheme be available to an employee who has sought redeployment under this Policy.

2. IDENTIFICATION OF AFFECTED POSTS

Posts may become "affected" by reason of a service reduction or some other organisational restructuring of the Council's business. Employees will be treated as 'affected' when it becomes apparent that their job is likely to disappear, and will continue to be so treated until

the end of the notice period for their substantive post, or successful redeployment, whichever is the sooner. Individual consultation and consultation with the relevant trade union(s) will commence as soon as possible.

An employee should have more than 12 months service to be eligible for redeployment.

3. REDUNDANCY

It is the Council's intention to maintain so far as possible its stated intent of no compulsory redundancy. Although it is recognised that, depending on the local, national and global economic environment, and the availability of suitable redeployment opportunities, there may be circumstances when compulsory redundancy may be unavoidable.

It must be recognised that, very occasionally, when Services are reviewed it may not always be possible to provide reasonable, suitable and acceptable alternative jobs for all those employees whose jobs are at risk. If an employee has not applied for voluntary redundancy, but has sought redeployment, and if all attempts at successful redeployment fail, within the agreed redeployment period, then compulsory redundancy would be the inevitable outcome.

Employees whose employment is ending as a result of the expiry of their fixed term contracts will be considered under this policy.

Affected employees will be issued with notice of the end of their contract to run concurrently with the redeployment period. The length of notice is dependent on statutory and contractual entitlement.

4. NOTIFICATION OF ALTERNATIVE EMPLOYMENT OPPORTUNITIES

Wherever possible, the Council will offer the opportunity to apply for suitable alternative work to 'affected' employees. Such offers will depend on the availability of alternative posts and on the suitability of the employees for these posts.

It should be noted that in a restructuring situation, an employee whose job in the former structure is the same as, or covers a significant proportion (generally 80%) of the responsibilities of the new job description, will be "slotted-in" without the need to go through any formal application/appointment process. This will only apply where there are sufficient vacancies in the same job group.

In all other cases, in assessing suitability, managers will consider not only existing skills and experience but also potential, after retraining if necessary, to perform to a **satisfactory** standard in the new job. Each 'affected' employee will be asked to complete a generic job application to be kept by HR as part of the Redeployment Register, and discussions take place to determine what type of work might be suitable and of interest. This HR Business Partner/Advisor will act as a "link" officer with the employee throughout the redeployment process.

All employees on the Redeployment Register will receive weekly notification of job vacancies electronically, or hard copy if they do not have electronic access.

5. APPLYING FOR ALTERNATIVE EMPLOYMENT OPPORTUNITIES

Where a potential redeployee is interested in applying for a vacancy, they should contact the appropriate HR Business Partner/Advisor to express their interest and request that their generic application be submitted in respect of the vacancy.

The HR Business Partner/Advisor and Line Manager will consider whether the employee's skills are a good match. Should the Line Manager and HR Business Partner/Advisor fail to reach agreement the matter will be referred to the Head of HR or another HR Business Partner in the case of absence who will on the basis of the potential legal implications decide whether there is a sufficient match to warrant an interview.

Where there is a good match of skills (generally 80% or more) an interview will be arranged with the Line Manager. A representative from HR will sit on the interview panel.

This means that an employee who meets 80% or more of the essential requirements for the new post will be interviewed in advance of other applicants who are not on the redeployment register. If the outcome of the interview is that the employee has demonstrated an ability to do the job, a trial period will be offered.

If there is more than one applicant with priority status, all those who meet 80% or more of the essential requirements will be interviewed, and the trial period will be offered to the one who based on interview performance appears to be the most suitable for the job.

If after this process a vacancy does not appear to offer an appropriate or realistic opportunity for an "affected" employee, it will be filled using the Council's normal recruitment procedure.

The Council will comply with its responsibilities under legislation in respect of employees who are in a redundancy situation and on maternity/adoption leave.

6. TRIAL PERIOD

If, after interview, a post is offered to an 'affected' employee it will be for a trial period. The trial period will normally last for four weeks (although this may be extended to up to 12 weeks when it is considered reasonable to do so, for example because of a training need). Trial periods will not normally extend beyond the proposed termination date of the contract. During a trial period, an employee will continue to be paid the rate of pay attached to his/her substantive post.

During the trial period, any retraining necessary to enable the employee to establish suitability in the new post will be arranged. Regular progress meetings, overseen by a Service Manager, will be held throughout the trial period, with the employee, the former line manager, the new Head of Service and the link HR Business Partner/Advisor. The employee will be given all reasonable assistance to reach the required standard of performance.

7. SUCCESSFUL COMPLETION OF TRIAL PERIOD

After the trial period, if the Head of Service agrees that the redeployment has been successful, it will be confirmed as a permanent job offer, and a redundancy situation will no longer apply. During the trial period, an employee may request that their name be retained on the Redeployment Register and ask to be notified of any subsequent redeployment opportunities. Once a redeployment has been confirmed, however, the name of the employee will be permanently removed from the Register.

8. UNSUCCESSFUL TRIAL PERIOD

If after the trial period the Head of Service considers that the trial has not been a success, the employee will return to the substantive post and will remain on the Redeployment Register and in accordance with this policy will have the opportunity to apply for other vacancies that may arise until the termination of the notice period for the substantive post.

In the event that the employee does not agree that the trial period has not been a success, the Head of Service must provide written evidence and documentation to substantiate this, detailing areas where the employee has failed to meet the required standards.

The Council recognises the need to resettle 'affected' employees as quickly and effectively as possible. It will normally be the policy of the Council to offer an 'affected' employee the opportunity to apply for any suitable redeployment opportunities that arise during the notice period.

If at the end of their redeployment period the employee has been unsuccessful in obtaining alternative employment within the Council, their employment will terminate on compulsory redundancy grounds.

However, in certain circumstances, where the Council believes that the alternative offers made have been reasonable and the employment is terminated, redundancy payments may not apply. If two reasonable offers of redeployment have been made by the Council and declined by the employee, the employee's contract is likely to be terminated without a redundancy payment being due. In such cases appropriate notice will be given and it will be the failure to accept the reasonable offer of alternative employment which will result in termination.

If an employee elects to resign at any time during the trial period or after taking up a permanent post after successfully completing the trial period, the employment will normally be considered to have ended by reason of resignation

If a trial period is unsuccessful, the recruiting manager may offer the post to another 'affected' employee who applied for the post and following interview was found to be suitable. If there are no other suitable 'affected' employees, the post will be filled using the Council's normal recruitment procedure.

9. PROTECTION OF EARNINGS

9.1 Introduction

Lancaster City Council recognises that a redeployment policy and procedure benefit both the Authority and its employees by providing a greater sense of job security in times of uncertainty and thereby improving staff morale. The Council has stated its intention to make every effort to assist employees who face compulsory redeployment. In order to facilitate the movement of staff facing compulsory redeployment into alternative establishment posts, a degree of protection of earnings will apply to employees who find themselves disadvantaged as a result of accepting redeployment as the only reasonable alternative to compulsory redundancy.

As the service with redundancy situation will be avoiding the costs of redundancy then the originating service will bear the redeployment costs.

9.2 Purpose of Protection of Earnings

It is intended that this policy will provide:

- A secure and settled period during which employment more in line with the employee's abilities and former earnings potential may be sought by the employee.
- Some protection over a reasonable period to cushion the employee from the effects of job loss and loss of earnings;
- This is directed at easing the change rather than exempting staff from it.

9.3 Application

A protection arrangement will apply to employees of the Council who are redeployed under this Policy into a post in which the maximum rate of pay is lower than their existing rate of pay (or their protected pay under Fair Pay). Contractual earnings only will be taken into account in calculating an employee's existing rate of pay. **During a formal trial period for any job an employee will continue to be paid the rate of pay attached to his/her former post.**

On confirmation of the redeployment the employee's salary will be 'frozen' (pay awards will not be applied to the "frozen" salary).

If the employee's salary is more than 4 incremental points above the maximum of the new post, pay protection will be based only on a "frozen" salary 4 incremental points above the maximum of the new post.

The following protection arrangements will apply:

Year One

The protected rate of pay will be paid for a twelve month period from the formal start date following the trial period and as set out in the redeployment letter from HR.

Year Two

Fifty per cent of the difference between the protected rate of pay and the maximum salary of the new post will continue to be paid for a further twelve months.

Year Three

Twenty-five per cent of the difference between the protected rate of pay and the maximum salary of the new post will continue to be paid for a period of twelve months.

(The protection in years two and three will not apply if the maximum salary attached to the new post has overtaken the protected rate of pay).

Year Four

On completion of three years in the new post the employee will revert to the rate of pay of the post into which he/she has been redeployed, at the relevant scale point. The provisions of this policy in respect of protection of earnings will apply until:

- a period of three years has elapsed; or
- the contractual earnings of the new post exceed the protected earnings; or
- the employee is appointed to a post in which contractual earnings equal or exceed the protected earnings salary; or
- the employee moves as a result of their own application to a post carrying a lower earnings level; or
- the employee is offered but declines to accept a suitable permanent post within the Authority at or above the protected level; or
- if for any reason the employee leaves the service of the Council, whichever is the soonest

10 PROMOTION OR REGRADING DURING PROTECTION PERIOD

If an employee is promoted or regraded during the protection period, he/she will continue to receive the protected rate of pay until the end of the protection period unless the new rate of pay is higher than the protected rate of pay, in which case the new rate of pay will apply.

11. FURTHER REDEPLOYMENT DURING THE PROTECTION PERIOD

If during the protection period, the post into which an employee has been redeployed is itself at risk of being deleted, the terms of this Policy will apply, and if a further redeployment is offered, protection will be based on the employee's pay at that time.

12. PROTECTION OF OTHER TERMS AND CONDITIONS

This policy is intended to provide a protection arrangement against **loss of contractual earnings and financial loss**. It will not normally be the policy of the Council to protect other terms, conditions and benefits attached to an employee's former post. Where withdrawal of other benefits is appropriate, contractual notice of the changes to take effect will be given to the employee concerned.

12.1 Annual Leave

Where the redeployed post carries a lower level of leave entitlement that lower level of entitlement will only come into effect on the 1st April following the effective date of the redeployment.

13. APPEALS

1. Appeals arising from the implementation of the protection of earnings section of this policy will be dealt with in accordance with the Council's Grievance Procedure, within which the decision of the Personnel Committee is final.
2. Appeals arising from the termination of employment of employees will be dealt with in accordance with the Council's Disciplinary Procedure for the time being in force.

14. REDEPLOYMENT ON GROUNDS OTHER THAN REDUNDANCY

There may be occasions when redeployment will be considered on grounds other than redundancy. These generally fall into two categories.

- 14.1 Employees who become disabled during their employment and are unable to continue to work in their current post. A manager must first try to make any reasonable adjustments to enable the employee to remain in the existing post before considering redeployment.
- 14.2 Employees who, due to reasons of capability, are unsuitable to continue in their existing role. In these instances redeployment may be considered as an alternative to dismissal.

Not all aspects of this policy are applicable to employees in these categories

They are also covered in other HR policies such as Capability, Sickness Absence Management and Disability. Managers should take advice from HR to ensure that the correct procedures are applied.