

# Redeployment Policy

The Employment Rights Act (1996) places a legal obligation on employers to ensure that employees who are placed 'at risk' and who are issued with their notice of dismissal are provided with an opportunity to find alternative employment.

The school has a duty to make all reasonable efforts to redeploy the employee during their notice period and this policy sets out the process that will be used to ensure this takes place.

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## 1 Eligibility

An employee may find themselves 'at risk' as a result of redundancy following a restructure or staffing reduction exercise or as a result of finding they are unable to fulfil the requirements of their current post because of a disability or ill-health. In these situations, the Redeployment Policy provides an 'at risk' employee with the opportunity to apply for internal Durham County Council job vacancies before other internal or external candidates.

In order to access redeployment opportunities, employees must be:

- At risk of redundancy or unable to continue in their substantive role due to ill health or disability;
- Employed by a maintained school (agency workers, academy employees, employees of Voluntary Aided schools, contractors and consultants are excluded);
- Employed on a permanent contract or a temporary contract with a minimum of 2 years' continuous local government service.

Vacancies within other schools cannot be accessed through redeployment, as each school is responsible for undertaking their own recruitment. If an eligible school based employee identifies a suitable vacancy within a maintained school, they should contact HR Advice and Support ([hradvice@durham.gov.uk](mailto:hradvice@durham.gov.uk)) who will contact the school to request prior consideration for the role. Please be aware that this is only a request and the school is not obliged to give prior consideration to a redeployment candidate.

### 1.1 Restructure and redundancy

During restructuring/staffing reduction exercises, an employee may be issued with a consultation letter identifying that their employment may be at risk of compulsory redundancy. At this stage, the school is responsible for consultation with the employee, based on advice from the HR Advice and Support team.

An employee who is identified as being redundant at the end of the process will be considered for redeployment during the period of their contractual notice period, up to a maximum of 12 weeks.

In some compulsory redundancy situations, the employee may be eligible to access redeployment prior to their notice being issued. Consideration will be given to requests and will be agreed during the consultation process following advice from the HR Advice and Support team.

## 1.2 Ill health or disability

Redeployment may be considered as an alternative to dismissal where an employee is unable to undertake the full duties and responsibilities of their current role but may be able to take up the duties and responsibilities of an alternative vacant post.

The employee is only eligible for redeployment where:

- Options for rehabilitation back to their substantive post have been fully explored, with the benefit of Occupational Health Service advice;
- It has not been possible to identify a plan for return to work in a foreseeable timescale;
- It is necessary for the manager/Headteacher to progress to a Final Attendance Management Interview.

If a long-term reasonable adjustment can be made within the employee's existing role, they will not be considered 'at risk' and therefore would not be considered eligible for redeployment.

The employee will be eligible for redeployment during their contractual notice period, up to a maximum of 12 weeks.

The employee **will not** remain on the Redeployment Register during a phased return to a post or during the trial period of a new post.

## 1.3 End of temporary contract

Where an employee is undertaking a temporary or fixed-term contract of employment, has a minimum of two years' continuous service and does not have a permanent substantive post, they will be considered for redeployment.

The employee will be eligible for redeployment during their contractual notice period, up to a maximum of 12 weeks.

## 2 Suitable alternative post

A vacant post will be considered suitable where the terms and conditions are similar to those of the employee's substantive post. This includes pay, grade, location, hours or work and status. It is for the employee to make this determination when choosing which post(s) to apply for.

In order to facilitate the retention of employees, some flexibility will be required when considering whether a vacancy matches the employee's substantive terms and conditions, particularly with regard to hours of work and location. However, restrictions do apply regarding the grade of the new and substantive posts (see section 2.1).

### 2.1 Grade

Employees can only be given prior consideration for a post that is the **same grade or lower grade** than their substantive post.

Where an employee is 'at risk' as a result of a disability, within the scope of the Equality Act 2010, it is considered a reasonable adjustment to offer suitable alternative employment at a higher grade. Therefore, these employees can be given prior consideration for posts that are up to one grade higher than their substantive post.

In circumstances where the grade of the new and substantive posts are not comparable e.g. when comparing NJC grades to Soulbury grades, it may be necessary for an employee to be given prior consideration for a post even where the top of the grade is higher than their substantive post. In these circumstances, eligibility will be considered on an individual basis and after seeking advice from the HR Advice and Support team.

## **2.2 Hours**

If a part time employee wishes to apply for a redeployment vacancy that is advertised as full time and open to job share, the post will initially be offered to them on the same hours as their substantive post. However, if the service deems it unfeasible to operate with the hours and/or the remaining hours cannot be filled by someone else, the employee can choose to increase their hours and accept the post on a full time basis.

## **2.3 Temporary and fixed term contracts**

When considering whether a post is a suitable alternative, employees should be aware of the implications of applying for some fixed term posts. An employee will only be eligible for a future redundancy payment where the post is being deleted from the establishment and the reason for dismissal is redundancy.

An employee who accepts a temporary or fixed term post that is covering a substantive postholder, e.g. covering maternity leave or sickness absence, would not be eligible for a redundancy payment at the end of the contract as the post is still required and the reason for dismissal will be 'some other substantial reason' not redundancy.

Employees must therefore think carefully about accepting offers of temporary or fixed term employment as a suitable alternative post.

# **3 Redeployment process**

## **3.1 Registration**

Payroll and Employee Services maintain a register of all employees who are considered to be 'at risk'. As soon as an employee becomes eligible to register for redeployment, they should complete the Redeployment Referral Form and the Headteacher should forward it to Payroll and Employee Services ([pesschools@durham.gov.uk](mailto:pesschools@durham.gov.uk)).

The employee's details will be added to the register and they will receive an email advising them to register on the North East Jobs Portal (NEP) to access job vacancies. A unique password will also be provided to allow them to apply for job vacancies restricted to 'redeployment only'.

The employee will be prompted to complete a 'talent profile' with their personal details. Once completed, this information can be used to populate application forms without the need to re-enter the details each time. It can be updated if any information changes e.g. additional qualifications.

If the employee does not have regular access to a computer at work or home or requires support in using a computer, they should contact their headteacher to discuss what support can be offered. Where an employee does not have access to a computer, the headteacher or manager can act as the contact for any redeployment correspondence.

## **3.2 Identifying a suitable vacancy**

Employees are able to self-select redeployment opportunities that they feel are suitable, based upon their full range of experience, subject to the limits set out in section 2.

Employees are responsible for regularly checking vacancies on the NEP, as new jobs are added on a daily basis, throughout their notice period until their termination date. The employee must ensure that the interview date for the post is before their termination date to be eligible to apply.

The employee should complete and submit the online application form, which will be forwarded electronically to Payroll and Employee Services for shortlisting.

### **3.3 Shortlisting**

The Lead Officer and interview panel members will be responsible for identifying suitable employees to progress to the next stage of the selection process.

When shortlisting redeployment candidates, the focus is one of retention and it is recognised that the main principle is to secure suitable redeployment for the employee where possible. The Lead Office will measure the information as flexibly and reasonably as possible.

The employee will be informed of the shortlisting outcome by Payroll and Employee Services.

### **3.4 Interview**

The employee will be invited to an interview with the Lead Officer and the interview panel. Reasonable measures to re-train and the transferrable skills of the employee will be considered, with a focus on retention as an alternative to redundancy.

A member of the Payroll and Employee Service team will attend redeployment interviews to offer support to the candidate and advise the panel, as required.

### **3.5 Offer of employment**

Following a satisfactory interview, a verbal conditional offer of appointment will be made to the employee. This must be before the employee's termination date and following consultation with Payroll and Employee services.

The Lead Officer will need to consider any necessary reasonable adjustments for employees with a disability and may need to seek advice from Occupational Health, where necessary.

References will be sought, but sickness absence information will not be requested for employees who have applied through redeployment.

## **4 Trial Period**

A 4 week trial period will apply to all appointments through redeployment. In exceptional circumstances, the trial period may be extended to an 8 week period, for the purposes of retraining only. Any extension should be mutually agreed between the manager and employee and confirmed in writing.

During the trial period the manager will undertake weekly reviews with the employee and these reviews will be used to assess the suitability of the new employment for both the council and the employee. These sessions should be documented and signed by both parties. The mid-trial review will also include attendance by a member of the Payroll and Employee Services team.

### **4.1 Ending a trial period**

Prior to the end of a trial period, either the employee or council may decide that they do not deem the post to be suitable alternative employment. The employee will be entitled to receive their

redundancy compensation, as long as the refusal is not deemed 'unreasonable', based upon their substantive terms and conditions. Where an employee unreasonably refuses alternative employment, the reason for termination will still be redundancy however the requirement for the council to make a redundancy payment is waived.

In such circumstances, the employee will have their remaining period of notice to be considered for further redeployment opportunities. The trial period can commence at any stage during the employees redundancy notice period and up to their last day of employment, however should the trial period be unsuccessful and their notice period has ended, the employee will end their employment with the school on their substantive terms and conditions with immediate effect.

The assessment of the suitability of a job during a trial period is the same as assessing suitability of alternative employment (i.e. terms and conditions of employment such as location, status, hours of work and pay). Therefore, during a trial period, should the employee consider the new job to be not suitable redeployment, the employee would need to demonstrate how the new post is substantially different to their redundant post.

A trial period **must not** be used as a probationary period. When considering whether a job is suitable for an employee during a trial period, issues of performance, capability and personal qualities must not be taken into consideration by the manager when determining whether the trial period is successful or unsuccessful.

The employee will not remain on the redeployment register during a trial period, however at the mid-trial review if the trial is not deemed to be progressing successfully, despite full support being offered and provided this can be fully justified, the employee may be placed back onto the redeployment register.

The manager will be contacted by Payroll and Employee Services prior to the end of the trial period to confirm appointment arrangements or provide any necessary advice regarding the outcome of the trial period prior to the employee being informed.

#### **4.1.1 Appointment through normal recruitment process**

Where an employee listed on the redeployment register applies for a higher graded post via the normal recruitment process i.e. not given prior consideration through redeployment, the statutory 4 week trial period still applies. In this instance, the employee would be posted into their new post and paid in line with the terms and conditions of the new post, however, the appointment will not be confirmed until the trial period has been confirmed by both the new service and the employee.

Should the trial period be unsuccessful the employee would automatically revert to their original 'at risk position' (and terms and conditions, including salary) and re-join the redeployment register. Any redundancy payment would still be payable in line with their notice termination date.

For candidates who have worked beyond their notice termination date at the point the trial period proves unsuccessful, they would leave the council with immediate effect.



This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

<b>Telephone</b>	03000 266688
<b>Email</b>	hradvice@durham.gov.uk

**Further support can be accessed by contacting (subject to SLA buy in):**

<b>Payroll and Employee Services</b>	<a href="mailto:pesschools@durham.gov.uk">pesschools@durham.gov.uk</a>
<b>Occupational Health</b>	<a href="mailto:occhealthadmin@durham.gov.uk">occhealthadmin@durham.gov.uk</a>
<b>Health and Safety</b>	<a href="mailto:hsteam@durham.gov.uk">hsteam@durham.gov.uk</a>
<b>Employee Assistance Programme</b>	<a href="http://www.healthassuredeap.com">www.healthassuredeap.com</a> Username: durham Password: council 0800 716017

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The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.