



Redeployment Policy

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1. INTRODUCTION

The Council, as part of its responsibility as an employer, recognises the need to support and assist in the redeployment of employees who are:

- Under threat of redundancy.
- Have become displaced following an internal re-organisation/restructuring exercise.
- Under notice from a fixed term /temporary contract of employment which is over two year's duration.
- Have medical/health or disability issues and redeployment has been recommended by an Occupational Health Practitioner where it is anticipated that this will improve future attendance levels.
- Unable to continue employment in their current post for any other valid reason (e.g. capability issues).

2. SCOPE OF POLICY

This Policy applies to all employees of Merthyr Tydfil County Borough Council who have acquired the relevant employment rights (i.e. accrued 2 or more years continuous Local Authority service as at the date of dismissal). Part time employees and those working under fixed term/grant funded contracts will not be treated differently to permanent full-time comparators.

This Policy does not apply to teaching staff or those under the local management of schools for whom a separate policy applies.

This Policy does not apply to individuals who are not employees of the Council, such as agency workers, consultants or self-employed contractors.

Furthermore, this Policy does not cover those employees who wish to consider alternative employment for personal or promotional reasons. In these circumstances the employee is advised to apply for employment opportunities through the usual recruitment process and discuss any concerns with their manager. It is also important to refer to the Capability Policy for any matters relating to the employee's performance.

Where a service is outsourced (transferred to an external provider) and TUPE applies, employees cannot access the Redeployment Database as their job is not at risk.

While priority consideration should generally be given to redeployees when jobs are filled, it is important that they should be able to competently perform the duties of the post to which they are to be redeployed within a reasonable time, and with reasonable levels of training and support.

Human Resources will provide overall advice and guidance, as required, in the implementation of the policy and to monitor consistency of application.

This Policy has been implemented following consultation with representatives of our recognised Trades Union(s).

This Policy does not form part of any employee's contract of employment and we may, in response to our reviewing the Policy to ensure that it reflects our legal obligations and business needs, amend it any time.

3. RESPONSIBILITIES

Manager's Responsibilities

The Manager with support from the HR Adviser is responsible for ensuring that the procedure is followed, for keeping written records and for keeping employees informed and supported throughout.

Managers must understand that the employer is obliged to accept an employee for a trial period if they meet the essential criteria for the suitable alternative employment and where successful they should offer the post to the displaced employee.

It is essential that all redeployment situations are handled with discretion and confidentiality and employees are treated sensitively throughout the process. Staff in a Trades Union should seek appropriate advice.

Employee's Responsibilities

The employee is equally responsible for keeping in touch with their line manager and appropriate HR Adviser and being pro-active in identifying suitable alternative employment.

It should be noted that the employee also has a responsibility for co-operating with the Authority in matters related to redeployment and be flexible in their approach by:

- Actively engaging in the process and be willing to consider all offers
- Undertaking training that may assist in their redeployment
- Make themselves available for interviews
- Complete and submit application forms when required
- Attend review meetings or where appropriate Occupational Health appointments.

Employees will also be allowed reasonable time off to attend interviews (internally and externally), training and relevant discussions etc.

Human Resources Responsibility

To support this Policy. The redeployment database will be maintained by the HR Administration Team. This database will contain details of employees who are seeking alternative employment (for the reasons described within this Policy)

4. WHY OFFER REDEPLOYMENT OPPORTUNITIES

Under certain conditions employers have a legal obligation to consider employees for 'suitable alternative' employment both generally and in relation to disability. By offering redeployment opportunities we aim to support employees at a difficult time in their lives and careers and to enable some to continue working when they may not otherwise have been able to.

5. SITUATIONS WHERE REDEPLOYMENT MAY BE CONSIDERED IN LINE WITH THE REDEPLOYMENT POLICY.

Redundancy & Restructuring – the Council will make every effort to ensure that redeployment opportunities are sought. However, employees who are under notice of redundancy or who become displaced following a restructuring exercise will be subject to consideration for redeployment in line with the Redundancy Policy. The employee will be placed on the redeployment database at the time which individual consultation commences.

The Authority will give prior consideration for suitable alternative employment, prior to the use of the recruitment process, to all employees accepted for redeployment provided the employee's skills and abilities match the essential criteria of the post. To identify if an employee meets the essential criteria appropriate selection techniques will be undertaken, typically interviews and additional selection tests depending upon the specific circumstances.

When considering suitability, the employing department must consider not only whether the employee is immediately able to do the job but also whether they may be able to do so after reasonable training and support.

These selection techniques must be undertaken prior to confirming whether a 4 week trial period can commence.

In cases where more than one employee goes forward for the same redeployment opportunity and all meet the minimum essential criteria or could do so with reasonable training, each employee must be interviewed and assessed objectively.

Redeployment arising from health related issues – In the case of capability issues related to health matters, consideration should be given to all reasonable adjustments that can be made to the employee's substantive post such as a reduction in hours, a re-design of the role and its responsibilities, the purchasing of appropriate equipment and re-training that may assist the employee in undertaking their duties. If the manager is satisfied that no adjustments can be made then the Redeployment Policy should be considered with particular emphasis on retraining where appropriate. The Occupational Health Adviser will play a key role in this process in terms of identifying the type of suitable work that the employee can reasonably be expected to undertake and what additional support may be required including support from external agencies.

6. WHAT IS REDEPLOYMENT

Redeployment within Merthyr Tydfil County Borough Council relates to the process used in those circumstances whereby an employee becomes displaced as a result of the reasons detailed in section 1. It confirms the Authority's commitment to identify posts, wherever possible, that are deemed to be a suitable alternative in terms of the nature of the work and/or the level or grade.

Consideration will be given to the employee's skills, experience and where required, their suitability for retraining.

Redeployment is a formal process which sets out the stages and timescales allowed for employees to be considered fairly for suitable alternative employment.

It does not guarantee that suitable alternative employment will be found for all those who are considered under this process.

Consideration for redeployment in all cases will be given to:

- The relevance of an employee's skills, qualifications, abilities and experience to the requirements of the post;
- That the essential criteria has been met and the employee is capable of undertaking the work.
- The practicality and cost of re-training;
- The salary and hours of work;
- Location of the job.

7. THE REDEPLOYMENT DATABASE

The HR Administration Team will operate a redeployment database in order to manage the redeployment process. The database will contain relevant employee details so that they can be matched against any suitable employment opportunities whilst they are eligible to remain on the database. It is expected, when considering redeployment for their member of staff that managers will look within their own service area in the first instance, however, where there are no opportunities, employees on the database will be considered for all relevant posts across the organisation.

Redundancy Redeployment

In cases of redundancy situations, employees will remain on the database from the date of their 'at risk' status (i.e. start of a formal consultation process) until the end of their notice period or until the threat of redundancy has been lifted.

In cases of an employee who is redeployed into a post where there is detriment to their salary, they will continue to receive a copy of the vacancy list for a period of 12 months following their successful redeployment, to give them the opportunity to apply for a post at their previous grade/salary.

Please note, staff on the Redeployment list will still be given priority over those who have been successfully redeployed and are at detriment in their salary; however those at detriment will have 2nd tier priority for posts over internal and external applicants for a period of 12 months following their successful redeployment.

Medical Redeployment

In cases of health related issues, an employee will be added to the database following a recommendation by Occupational Health. Current legislation in the form of the Equality Act 2010 requires an employer to make reasonable adjustments to the workplace and to employment arrangements so that a disabled person is not at any substantial disadvantage compared to non-disabled people.

Therefore, when an employee is unable to continue in their job role because of illness, or disability limits the employee from completing their present role to the required standards, and after implementing reasonable adjustments the employee is still unable to perform their present role as required, then the employer is required to seek alternative employment for that employee.

The time period for which redeployment opportunities will be sought will be discussed and advised on a case by case basis, but will be for a period of 6 – 8 weeks.

Where appropriate, employees will remain in their substantive post for the duration of their time on the redeployment database.

If attempts to redeploy an employee for health related issues are unsuccessful and the employee is unable to continue in their substantive role or remain on long term sickness absence, consideration will be given to terminating their contract on the grounds of ill health and the appropriate payment in lieu of notice will be paid.

Capability Redeployment

In cases of capability issues, if an employee participating in the capability process recognises they may/will not succeed in achieving the required competency levels by the conclusion of the 3rd stage process, their details will be added to the redeployment database. In these circumstances, it may be appropriate for the employee to undertake alternative tasks whilst alternative employment is being sought.

The manager must ensure that the employee is aware of the possible outcomes of the redeployment procedure, which may ultimately be termination of employment, if during the notice period no alternative employment is secured.

An employee's timeframe in the redeployment pool can alter as it is dependent upon the employee's notice period entitlement (up to a maximum of 12 weeks). Please refer to the Council's Capability Policy.

8. WHAT IS SUITABLE ALTERNATIVE EMPLOYMENT?

It is difficult to give a clear definition of suitable alternative employment as each case should be considered on its merit. There are some clear principles that would usually be used to test whether a job role is suitable, such as:-

- Be on the same or similar salary level. If the job is a promotional opportunity, the employer has to meet all the essential skills and qualifications.
- Status
- Location
- Working environment
- Hours of work.

This generally means that the employee's take home pay and contractual benefits are the same, that the duties and responsibilities of the new job are generally equivalent, and/or the status of the new job is generally comparable, and that the working hours and location of the job are in line with the previous contract.

All vacancies will be available for the employee to consider and if they are interested in any posts to contact HR Administration.

9. REDEPLOYMENT PROCESS

An employee will be placed on the redeployment database as soon as they are identified as being vulnerable to redundancy (at risk), typically at the start of a formal consultation process with the trade union and employees (i.e. at group consultation meeting or the first individual consultation meeting if there is only a pool of one).

During any redundancy consultation meeting the employee will be offered the chance to discuss their skills and experience to ensure that suitable alternative employment can be identified. The relevant manager will arrange for the employee to complete an Expression

of Interest Application Form (please see Appendix 1) which will assist in identifying suitable alternative employment. The employee should return the completed form to the HR Administration Department within 5 working days of receiving the form.

Before any job is advertised internally or externally, employees on the redeployment database will be sent a list of current job vacancies on a weekly basis. Where it is identified by HR that an employee or employees are suitable for a role, they will be encouraged to apply for it.

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.

The Protection from Redundancy (Pregnancy & Family Leave) Act 2023 provides greater protection against redundancy during pregnancy and on return to work from maternity leave, adoption leave and shared parental family-related leave.

The Regulations extend the redundancy protection period so that it applies:

- for pregnant employees, from the point they inform the employer that they are pregnant; and
- for employees returning from maternity leave, adoption leave or shared parental leave, until 18 months after the expected week of childbirth, date of the child's birth, or date of the adoption placement.

During the protected period, the employee will be given 'priority status' before any employee who is also at risk of redundancy and who do not meet the above criteria and offered the role.

Any alternative work must commence immediately following the end of the maternity leave.

Expressions of interest in any vacancy may be expressed by the employee by either contacting HR Administration or the recruiting line manager directly. Expression of Interest forms must be completed and submitted; In addition, employees may submit a separate application form outlining how their experience, skills and knowledge match the person specification for each post they wish to be considered for.

An informal interview and test by the recruiting manager to ensure the employee meets the basic essential requirements of the role will be undertaken when a role has been identified for an employee at risk. There may be occasions when there is more than one suitable person from the redeployment database for the vacancy, in this situation, a full interview should take place and the most suitable person for the job appointed as per the Authority's recruitment procedure.

When considering suitability, the recruiting manager must consider not only whether the employee is immediately able to do the job but also whether they may be able to do so after reasonable training and support. If this is the case, the job may be offered on a trial basis for four weeks. During the trial period the employee's details will remain on the redeployment database and they will continue to receive weekly copies of the vacancy list.

Examples of reasonable training may include:

- Providing IT training to an individual who has limited IT skills;

- Making reasonable adjustments to work equipment or programmes, to enable a disabled person to carry out the job.
- Attend relevant courses pertinent to the post.

The length of time to undertake the training and associated costs will be a factor when determining if suitable alternative employment can be offered.

Furthermore, a comparison would need to be done regarding what the cost implications would be for training against redundancy costs to ascertain which would be the most financially viable option for the Authority.

If within the trial period the job is not considered suitable for the employee by either the employing department or the individual, the reasons will be communicated to the other party in writing and where appropriate the employee will remain on the redeployment database for the agreed period.

A meeting to confirm if the redeployment trial has been successful will take place between the manager and the employee at the end of the 4 week trial. The manager and employee will also need to complete and sign the Trial Period Review Meeting Pro-forma (attached as Appendix 2) at the end of the trial period and forward to HR Administration. The employee should respond to the offer of alternative employment in writing at this time.

If, at interview stage, the recruiting manager determines that the employee is not suitable, written reasons based on the requirements of the post must be forwarded to the HR Adviser. The shortlisting form (attached as Appendix 3) must also be completed and forwarded stating why the employee has not met the essential criteria for the post. The HR Adviser will review the written reasons provided and will then advise whether the service can proceed to advertising the vacancy. Any issues of concern will be discussed with the recruiting manager and, if appropriate, Head of Service or Director.

Feedback (on request) must also be provided by the recruiting manager to the employee concerned. A meeting will be held with the employee to discuss the next steps of the process.

When employees are internally appointed to an alternative job role for whatever reason; the receiving manager and the current manager will come to an agreement on the date of when the new role will begin. Consideration needs to be given on the workload, complexity of work and impact on both areas.

The move to the new job role will be as soon as possible, usually within two weeks, but certainly within four weeks even when agreement cannot be made.

10. TRIAL PERIODS – PURPOSE AND DURATION

An employee who has been redeployed to a new post has the statutory right to a four week trial period, which in exceptional circumstances can be extended if required.

At any point whilst the employee is on the redeployment database and suitable alternative employment is gained they will be allowed to start their trial period, or at the end of the employee's employment under the previous contract, and will end after either:

- Four weeks from the date on which the employee started work under the new contract;
- A longer period agreed for the purpose of retraining the employee.

At the start of the trial period, it is advisable to assess and identify any gaps in skills/competencies so that the appropriate support can be offered during the trial period which will assist the employee to successfully pass the trial period. Additionally, regular reviews need to take place throughout the trial period to discuss this on-going support and to raise any concerns about the employee's suitability for the role with them at the appropriate time.

Before the end of the initial period either party may request that the trial be extended to allow for situations where further training is required.

Based on the circumstances involved the duration of the extension required will be agreed by all parties but will be subject to a maximum of 2 weeks

If the employee or manager does not indicate any dissatisfaction with the redeployment after the 4 week trial period then it will be assumed that the employee has accepted the role.

Where a trial period is terminated and the employee has not exhausted their notice period, they will return to their previous post and have further access to the redeployment database for the remainder of their notice period.

The redeployment period will normally be in keeping with the individual's contractual notice period. Trial period arrangements may alter the originally advised date of dismissal.

Where the trial period has been a success the employee will be issued with a new contract of employment and will no longer be at risk of redundancy. If the trial period has been unsuccessful and the employee's notice period has lapsed, there will be no further opportunity for redeployment opportunities and they will be dismissed by reason of redundancy.

For the duration of the time an employee is retained on the redeployment database including any trial periods, the funding of their salary plus any entitlement to redundancy payments will remain the responsibility of the original employing department.

If during the trial period an employee's status changes from 'at risk' (due to funding being secured etc) then the individual will return to their substantive post. However, if the trial period has been completed and the employee has accepted the new role they will have no entitlement to return to their substantive role even if this role is no longer at risk.

The trial period is undertaken with four consecutive weeks. If an employee takes annual leave during the four week trial period, there will be **no suspension** of the trial period. The employee and the manager will need to make a decision on whether it is suitable based on the number of weeks that the employee was undertaking the trial.

When an employee is absent for a short illness (e.g. a few days) there will be no suspension of the trial period. If however the employee is absent with an illness that is either disability related or due to a longer lasting illness, then consideration will be given to suspending the trial period until the employee is well again. This will be at the discretion of the authority, based on an assessment of the case, and is not guaranteed.

11. REFUSAL OF REDEPLOYMENT

If the employee turns down an offer of potentially suitable alternative employment at any stage of the procedure they must do so in writing, outlining the reasons for refusal. If it is considered that an employee has unreasonably turned down offers of suitable alternative

employment within the redeployment period they will be advised in writing that their continued employment with the Authority may be at risk.

It is important to note that the employee may jeopardise their entitlement to redundancy if they refuse offers of suitable alternative employment. For this purpose it is important that all offers are clearly communicated and recorded.

Reasonable grounds for refusal must be based on clear evidence of non-suitability due to skills/experience, substantial change to the nature of the work etc. (Please refer back to section 8).

Any disputes relating to suitable alternative employment or any aspect of the implementation of this Policy should be referred to the relevant Director and the Head of Human Resources who will review the circumstances and whose decision will be final.

12. PAY PROTECTION

Pay protection is not a legal obligation and is part of the Council's discretionary support for employees who are required to consider being redeployed. Pay protection is 4 months at 100% of the current salary, 4 months at 66%, and four months at 33%.

Pay protection is available for employees who are redeployed to a job that has a lower salary than or reduced hours to their substantive post. The pay protection will be no more than the financial **value of one grade** or **5 hours less** per contractual week.

e.g. If an employee is currently on a Grade 7 and wishes to be considered for a redeployment job role of Grade 4 (reduction of 3 grades), the employee will only be eligible for pay protection for one grade lower, which in this example would be the difference in salary between Grade 6 and Grade 7.

If a redeployment opportunity is deemed successful following a four week trial, and there is pay protection eligibility, the pay protection will start at the end of the four week trial.

The rate of pay for the 'new job' applies even if it is lower. The terms and conditions of the new job also apply. 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.

13. MAINTAINING RECORDS

It is important that confidential records are maintained for every employee who is seeking redeployment, containing:

- Copies of any correspondence sent to the employee
- Copies of correspondence received from the employee
- Dates of referral to the Redeployment Database
- Details of posts offered to the employee
- Details of reasons for refusal of any suitable alternative employment.

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

14. ENSURING EQUALITY OF TREATMENT

This policy must be applied consistently to all staff who are seeking redeployment irrespective of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age.

Disabled Employees

These employees, to satisfy the legislation on suitable work adjustments, should be carefully checked to see what roles they can reasonably be offered so that they are not disadvantaged. HR advice should always be sought.

15. FUNDED POSTS

All posts should be explored as potential redeployment opportunities. However, it is accepted that some partner agency posts may need to be immediately advertised internally and externally due to the Grant rules and may be excluded from the pool of potential redeployment opportunities.

APPENDIX 1 – Expression of Interest Application Form

| | | |
|-----------------|---------------|----------------------|
| Name: | Payroll No: | Current Job Title: |
| Contract Hours: | Grade/Salary: | Full/Part/Term time: |

| | | |
|----------------|----------------------|---------------------|
| Managers name: | Redundancy end date: | Work base/location: |
|----------------|----------------------|---------------------|

Brief overview description of current job content/experience (also please provide an updated Job Description)

Academic Qualifications & Professional body status

Training courses

Additional non job specific skills and experience and other information you wish to supply

Managers information: Detail the employees abilities and competencies

Date:

Signature (employee):

Signature (manager):

Administration data

HR Officer responsible for the employees redeployment matching:

Matched jobs

| Date | Job Title | Contract Hours | Grade | Permanent/ Fixed/Term time | Comments (e.g. trial undertaken- successful/unsuccessful, employee refusal, manager refusal) |
|------|-----------|----------------|-------|----------------------------------|--|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Outcome:

Employee successfully redeployed Y/N

If yes, complete below

| Date appointed | Job Title | Contract Hours | Grade | Permanent/Fixed/ Term time |
|----------------|-----------|----------------|-------|----------------------------|
| | | | | |

If no, complete below

| Date of employment termination | Reason for not redeploying (e.g. no skills/experience match, grade, hours not suitable) |
|--------------------------------|---|
| | |

Signed (HR Officer):

APPENDIX 2 – Trial Period Review Meeting Pro-forma



Merthyr Tydfil County Borough Council

TRIAL PERIOD REVIEW MEETING PROFORMA

To be completed by the appointing Manager with the Appointee

| | |
|--|---|
| Employee's Name: | |
| Job Title of trial post : | |
| Department / Location of post: | |
| Date trial period began: | |
| Date trial period due to end: | |
| The agreed criteria by which the manager and appointee will judge the suitability of the post during the trial period. | Agreed reasonable performance targets should be listed below: |
| Post required criteria i.e. Knowledge and skills, qualifications, competence to perform duties contained in the job description | |

| | |
|----------------------------------|--|
| | |
| Date of meeting: | |
| Attendees of the meeting: | |

| | Yes | No |
|--|-----|----|
| <p>Is the employee working well in the role?</p> <p>If no, give reasons and actions needed to support improvement</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> | | |
| <p>Is the employee receiving enough support and guidance?</p> <p>If no, detail employee concerns and actions to address</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> | | |
| <p>Does the employee have training or retraining needs within the new post?</p> <p>If yes details and actions to address</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> | | |

| | Yes | No |
|---|-----|----|
| <p>Are there any other issues to be discussed with the employee?</p> <p>If yes, please insert the details below and note any agreed actions and timescales:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> | | |
| <p>Are there other issues the employee wishes to raise?</p> <p>If yes, please insert the details below and note any agreed actions and timescales:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> | | |

| | |
|---|--------------|
| Date of the next review meeting: | |
| Appointing Officer's signature: | Date: |
| Employee's signature: | Date: |

To be completed at the end of the four week Redeployment trial

| |
|--|
| <p>Redeployment trial period successfully completed and employee to be appointed into the post:</p> <p>Yes/No.....</p> <p>Managers Signature.....</p> |
|--|

- Delete as appropriate to indicate whether criteria is Essential or Desirable.
- **ALL** Essential criteria must be met to enable a candidate to be shortlisted for an interview.

| | | | |
|----------------------------|--|---------------|--|
| SHORTLISTING PANEL: | | | |
| SIGNED | | SIGNED | |