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# Redeployment Policy and Procedure

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## 1. POLICY STATEMENT

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- 1.1 Wyre Council is committed to good employment practices and aims to support its employees in difficult circumstances. This policy outlines the council's approach to supporting individuals who need to be considered for redeployment within the council.

## 2. THE AIM

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- 2.1 This policy applies to all employees who have at least 2 years continuous service and aims to ensure that the council meets its moral and legal obligations to maintain staff in employment in the following circumstances:
- a. When, by reason of disability and/or other medical reason, the individual is no longer able to continue in his/her current role, despite consideration of reasonable adjustments to that role.
  - b. Where, as a result of organisational restructuring, the individual's job no longer exists in its current format.
  - c. When a potential redundancy situation arises for reasons other than organisational restructuring.

### **Other Circumstances where the Re-deployment Policy will Apply**

- a. An employee is incapable of carrying out their current duties and no disciplinary issues apply.
- b. There has been an incident of harassment or bullying.
- c. Management considers redeployment as an alternative to dismissal (following a disciplinary hearing).

## 3. SUPPORTING POLICIES AND LEGISLATION

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### 3.1 **Redeployment in circumstances of Redundancy- Employment Rights Act 1996**

The council is required to consult on potential redundancies and must consider alternative employment for employees under threat or notice of dismissal for redundancy.

The Employment Rights Act provides for a statutory four-week trial period in the new post where the alternative employment is offered and accepted in a redundancy situation.

Employees being re-deployed as an alternative to redundancy should be aware that if they unreasonably refuse suitable alternative employment they lose their statutory right to redundancy payment.

### 3.2 **Redeployment of Employees with a Disability- Equality Act 2010**

The Equality Act 2010 requires the council to make reasonable adjustments (physical or otherwise) to enable an employee with a disability to carry out his/her job. Discrimination will occur if the council fails to comply with the duty to make these adjustments, and the failure to do so cannot be justified. If an employee is unable to carry out his/her job, despite reasonable adjustments or such adjustments are not possible, then redeployment will need to be considered.

Managers making appointments are encouraged to waive formal qualification criteria in these circumstances, particularly where they are satisfied that the employee is capable of satisfactorily carrying out the full duties of the job, taking into account his/her experience and any re-training which may be required. This is provided that the lack of qualifications does not prevent them from fulfilling the duties of the post, e.g. for statutory or regulatory reasons.

Where necessary, the final decision on qualification and suitability will be made by the appropriate Corporate Director, following consultation with Human Resources.

### 3.3 Other Council policies and procedures, which are relevant to this policy;

- a. Retirement Policy.
- b. Equal Opportunities Policy.
- c. Resolution Policy
- d. Ill-Health Retirement Procedure.
- e. Disciplinary Procedure.
- f. Managing Attendance/Ill health Policy.
- g. Redundancy Policy and Selection Procedure
- h. Managing Restructures and Changes to Terms and Conditions

### 3.4 Priority

Employment legislation may require that specific categories of staff are considered for redeployment opportunities before consideration of other redeployment candidates.

The Council will therefore give higher priority to individuals in a redundancy or disability situation.

Staff who are pregnant or on maternity leave also have particular redeployment rights in a redundancy situation.

## 4. SUITABLE ALTERNATIVE EMPLOYMENT

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4.1 Wherever possible, the Council will seek to maintain individuals in work of a broadly comparable nature. The following criteria will be used to determine the suitability of alternative employment:-

- a. The nature of the work
- b. The qualifications, skills and experience required to carry out the work
- c. The aptitude or capability of the individual to undertake the work
- d. Working arrangements i.e. hours of work, shift arrangements etc.
- e. Level of responsibility relative to previous role
- f. Grade and pay
- g. Location

4.2 Staff members will need to provide good reason if they do not consider a post is suitable alternative. Refusing a redeployment opportunity without doing so could put any entitlement to redundancy pay at risk - see also section 9.

## 5. ROLES AND RESPONSIBILITIES

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- 5.1 The employee, management and Human Resources will each have a role to play in seeking and gaining suitable redeployment opportunities. These responsibilities are as follows:
- 5.1.1 **The appropriate Head of Service or Service Manager will;**
- a. Meet with the employee to ensure that they are aware of how to access the support available
  - b. Ensure that the employee is aware of what is required of them in terms of seeking re-deployment.
  - c. Support the employee in completing the redeployment form.
  - d. Discuss suitable vacancies within the service area.
  - e. Keep the Human Resources Manager informed of any opportunities within the service area
  - f. Hold progress meetings with the employee during the redeployment process.
  - g. Retain responsibility for working with the employee throughout the redeployment process.
  - h. Provide advice, guidance and personal support to the employee throughout the redeployment process.
- 5.1.2 **Human Resources will;**
- a. Inform the employee of the measures, which will be undertaken to secure, wherever possible, alternative employment.
  - b. Maintain a record of current vacancies within the Council and identify potential redeployment opportunities.
  - c. Ensure that the employee is made aware of any potential redeployment opportunity.
  - d. Ensure that both competitive and non-competitive interview processes are fair and equitable.
  - e. Ensure appointing managers do not unreasonably refuse an application from an employee seeking redeployment.
  - f. Ensure appointing managers do not unreasonably refuse to allow an employee seeking redeployment a trial period.
  - g. Encourage the employee, where appropriate, to explore employment opportunities outside the Council, discussing issues such as career change and appropriate retraining.
  - h. Seek advice from the Council's Occupational Health Adviser to make sure any redeployment opportunity is appropriate to the employee's health/medical condition.

In particular, the Council's Human Resources team will ensure the council meets its legal obligations (as described above) in situations where employees require redeployment due to redundancy or disability.

## 5.1.3

**The employee will be expected to;**

- a. Take personal responsibility for completing a redeployment form to seek redeployment within the Council.
- b. Actively search for opportunities advertised, on the intranet.
- c. Fully prepare his/herself for any recruitment process they attend.
- d. Attend meetings with management /Human Resources, when required
- e. Seek and utilise opportunities which will develop his/her skills base and improve his/her qualifications.
- f. Not refuse reasonable opportunities.

## 6. REDEPLOYMENT PROCEDURE

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- 6.1 For the procedure to be applied successfully the employee must accept a shared responsibility for actively seeking and gaining suitable alternative employment.

The procedures followed and level of support given to an employee may differ according to the circumstances giving rise to the need for redeployment.

As the council will give higher priority to individuals in a redundancy or disability situation this procedure will apply in all such cases.

In cases of redundancy, the provisions of the redeployment policy will apply from the point at which an individual's post is deemed to be 'at risk'. Eligibility for redeployment will cease on expiry of a fixed-term contract or the expiry of notice issued in relation to redundancy or ill-health. Individual employees should therefore put themselves forward for consideration for any suitable vacancies prior to expiry of their notice period.

## 7. IDENTIFICATION OF SUITABLE VACANCIES

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- 7.1 Managers will be encouraged to identify suitable opportunities for redeployment for individuals within their own sections. In such cases, individuals may be slotted in to a new role where it is deemed to be suitable alternative employment in line with the criteria outlined in section 4. Such action should, however, only be considered in consultation with Human Resources and the appropriate employee representatives.

Such opportunities will be brought to the attention of all staff subject to redeployment within the section and a structured assessment process should be undertaken where more than one individual wishes to be considered for the position.

- 7.2 The Manager should meet with the individual concerned to discuss any other options that may be available (see also 5.1). These may include termination of employment, early retirement or redundancy.
- 7.3 If no suitable opportunities for redeployment exist within the section, or an individual wishes to be considered for alternative roles across the Council, he/she will be required to complete a redeployment form so that they may be included on a central list held by Human Resources.

The redeployment form will record:

- a. The employee's preferences for the general areas of work and / or specific jobs they would wish to be re-deployed to.
- b. The minimum and maximum hours per week the employee is seeking or is able to work.
- c. Whether the employee is able to work shifts or irregular hours, be on-call etc.
- d. The employee's education and qualifications, employment history, knowledge, training, skills and experience.
- e. Details of any health issues will be added to the form as appropriate, for example, where the employee is being re-deployed due to a medical condition.
- f. Any disability, which might require adjustments to specific duties or the workplace.

The appropriate Manager will assist the employee in completing the form if necessary.

- 7.4 Human Resources will examine each job vacancy to assess whether, outwardly, it may constitute suitable alternative employment for an employee who is on the redeployment list.

## 8. APPLICATIONS FOR VACANCIES

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- 8.1 The Human Resources Advisor will determine eligibility for consideration for the vacant post in accordance with the criteria outlined above (see paragraph 4.1).

- 8.2 Where an individual meets the essential criteria for the post, he or she will be invited to apply if they have not already done so. A member of the Human Resources team will then send a copy of the employee's redeployment form and application to the relevant appointing Manager.
- 8.3 Prior consideration will be given to individuals in a redundancy or disability situation, this enables these employees to be interviewed for the post before other applicants are given consideration. A final decision on qualification and/or suitability will be made jointly by Human Resources and the Manager.
- 8.4 If more than one 'at risk' individual seeking redeployment expresses an interest in a particular post, a competitive selection process will be undertaken in accordance with the Council's Recruitment and Selection Policy.
- 8.5 Any external advertising will be delayed pending the outcome of the interviews.
- 8.6 If following the interview the individual meets the requirements of the post he or she will be appointed before other candidates. If they are unsuccessful the recruiting manager will be responsible for providing feedback so that they may present themselves more effectively in future interviews.

## 9. OFFERS OF SUITABLE ALTERNATIVE EMPLOYMENT

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- 9.1 A formal offer of alternative employment will be made to the employee as soon as possible and before their termination date. This will be undertaken by Human Resources and include:
- a. The nature of the job and the terms and conditions applicable;
  - b. The provision for a trial period of up to 4 weeks (or longer where it is necessary to retrain the employee), during which the relevant parties can consider if the alternative employment is suitable.

Any agreement relating to a trial period will:

- a. Be in writing containing sufficient information for the employee to make a decision on whether or not to accept;
- b. Be made before the original employment ends;
- c. Specify the date the trial period begins and ends.

- 9.2 An employee may decline an offer of suitable alternative employment however they must be aware that to do so without just cause may mean they lose the right to any redundancy pay and can no longer continue employment with the council.
- If an employee is re-deployed to a fixed-term post, which is not extended or renewed at the end of the fixed-term, the council will make a redundancy payment to the employee, in accordance with the Redundancy Policy, on the basis of total continuous service.
- 9.3 The number of offers of suitable alternative employment given to an employee is dependent upon the employee's circumstances and would be subject to consultation with the individual and their representative.
- 9.4 Employees who are redundant will remain on the list until the end of their notice period. Other applications will be removed after a maximum of 6 months.

## 10. TRIAL PERIODS

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- 10.1 Where the council has made a formal offer of an alternative post individuals who are in a redundancy situation have a right to a trial period of four weeks. The trial period is a statutory provision enabling both the employee and the council to assess whether or not the post is genuinely suitable for the employee.
- If, during this period, the employee or council concludes that the alternative job is not suitable, the individual will remain eligible for a redundancy payment. If, however, the employee unreasonably terminates the contract, he/she will not be entitled to a redundancy payment.
- Eligibility to a redundancy payment may also be lost if an individual unreasonably refuses an offer of suitable alternative employment. The trial period of four weeks may be extended by written agreement with both parties.
- The employee will have his/her salary protected during the period of the trial. They will only be paid enhanced payments e.g. shift allowances when the employee carries out such arrangements during his/her trial.
- Where a trial proves to be unsuccessful for reasons beyond the control of the council and/or the employee, such that it would not be deemed a fair trial, this will not count towards the allocated number of offers of suitable alternative employment.
- However, if it is determined the employee has not made sufficient effort to carry out the new job or has requested unreasonable adjustments to the job, the unsuccessful trial will count towards the number of offers.

## 11. TERMS AND CONDITIONS OF EMPLOYMENT

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- 11.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.
- 11.2 Any existing protection enjoyed by an employee will continue for the term of the agreement.
- Any protection to terms and conditions of employment will be for a maximum of 18 months under this policy. Enhanced payments such as shift allowances, contractual overtime, etc will not be protected in any redeployment opportunity.
- Pay Protection applied in different redeployment circumstances as set out in Appendix 1.

- 11.3 Working hours will be determined by the needs of the service to which an employee may be redeployed and give consideration to the Council's policy and practices relating to work-life balance and flexible working.
- 11.4 Contractual terms and conditions will apply, subject to the termination of any enhanced arrangements that may have been in place relative to the employee's previous post.
- 11.5 The Human Resources Advisor will provide administrative advice relating to an employee's pension. For detailed advice employees should contact **Your Pension Service** at Lancashire County Council 01772 530530. Email: [Pensions.helpdesk@lancashire.gov.uk](mailto:Pensions.helpdesk@lancashire.gov.uk)

## 12. EQUALITY IMPACT ASSESSMENT AND MONITORING

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- 12.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

## 13. DATA PROTECTION

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- 13.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

## APPENDIX 1

### Redeployment Circumstances

	As an alternative to redundancy	Health/Medical / Disability reasons	Capability reasons	Employee deemed to have been bullied/harassed	As an alternative to dismissal (following a disciplinary hearing)
Status of Interview	Non Competitive	Non Competitive	Non Competitive	Non Competitive	Non Competitive
Pay protection	Yes	No	No	Yes	No

<sup>1</sup> Employees being redeployed will be guaranteed an interview on the above basis providing they meet the selection criteria.

Where the redeployment opportunity would lead to a promotion for the employee, the interview process will always be competitive. In these circumstances the employee will not have the opportunity of a trial period to see if the job is suitable to them. However they will still have to demonstrate within a suitable time period that they can carry out the full duties of the post, before they are permanently appointed to it.