



**EAST HERTS COUNCIL**  
**REDEPLOYMENT SCHEME**

**October 2006**

**NB This scheme should be read in conjunction with  
The Policy and Procedure for Achieving Organisational Change**

**or**

**The Absence Management Policy and Procedure &  
Employing & Retaining People with Disabilities Policy and  
Procedure**

## **CONTENTS**

Page

1. Purpose
  2. Scope of the Procedure
  3. Principles of the Procedure
  4. Eligibility
  5. Categories of Staff and Priorities
  6. The Redeployment Process
  7. Trial Period
  8. Salary Protection
  9. Additional Action
- Appendix 1 Redeployment – Skills Inventory

## **1. Purpose**

- 1.1 The Council is committed to being a good employer. The people that work in public service are a vital asset.
- 1.2 Nevertheless, there will inevitably be situations where the needs of the Council for particular jobs to be carried out in a particular way will change and other circumstances where the ability of staff to continue working as they have been working will change.
- 1.3 We cannot offer our staff a guarantee of a job for life, but we will seek to develop our staff to the maximum of their potential, to avoid compulsory redundancies wherever possible and to retain their skills within East Herts Council.
- 1.4 We believe this approach to be in the best interest of our staff, by offering security of their employment with East Herts wherever possible and maximising their ability to compete for jobs elsewhere.
- 1.5 We believe it to be in the best interest of East Herts by helping us retain the skills and experience of staff that we have invested in and minimising unnecessary recruitment costs.
- 1.6 This procedure has been established to provide a mechanism for redeploying staff into alternative jobs where this becomes necessary due to:
  - i. Disability,
  - ii. Redundancy,
  - iii. Illness,
  - iv. Capability, or
  - v. Other circumstances where, in agreement of the member of staff concerned, the Council feels that redeployment is the appropriate response.
- 1.7 The procedure takes account of ACAS guidance, the Councils obligations under the Disability Discrimination Act 1995, the Sex Discrimination Act 1975, Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the Employment Rights Act 1996.

## **2. Scope of the Procedure**

- 2.1 This procedure applies to all employees (part time, full time and fixed term) of East Herts Council, including officers employed on JNC Conditions of Services for Chief Officers and Chief Executives.

- 2.2 Employees with less than 12 months service will not be entitled to redeployment under the provisions of this procedure, except as detailed in paragraph 2.3 below.
- 2.3 Employees who are covered by maternity regulations and employees who become disabled in service will be entitled to seek redeployment under this procedure regardless of length of service.

### **3. Principles of the Procedure**

- 3.1 An effective mechanism for redeployment is an important contribution to the Council's duty to treat its staff fairly. It is important that managers, unions, employees, their representatives and Human Resources work together collaboratively to effect successful redeployment.
- 3.2 Staff will only be admitted to the redeployment scheme when they have been given notice of termination of employment, except in the case of employees who become disabled. The Council will continue its attempts to find suitable redeployment for the employee throughout the period of notice. There is no entitlement to a minimum or maximum number of offers of redeployment: if suitable jobs become available, staff will be considered for them; if suitable jobs do not become available the member of staff's employment will terminate at the end of their notice.
- 3.3 Managers need to be aware that the duty to find a member of staff suitable alternative employment may arise from a statutory duty on the Council and that failure to offer an employee suitable alternative employment that is available could result in legal consequences with a wider impact than the specific service where the job may be located.
- 3.4 As a result, line managers may not have the same degree of flexibility about whether or not to accept a redeployee as they would expect to have in a normal recruitment process. HR will advise on individual cases. The Council expects and requires line managers to apply the provisions of this procedure in the spirit in which it is intended.
- 3.5 Staff seeking redeployment have a responsibility to take a positive approach and to play an active role in securing alternative employment.
- 3.6 In the event of an internal reorganisation every effort will be made to redeploy affected staff to alternative posts within the existing team or service.

#### **4. Eligibility**

- 4.1 Access to the Redeployment Scheme is limited to employees for whom the Council has a legal obligation to seek alternative employment. At the time of writing this procedure this includes staff who need to find alternative employment because of disability, redundancy, chronic or long-term sickness and capability reasons that have been considered under the Capability Procedure.
- 4.2 This list may be extended or changed by the Council, subject to consultation with the recognised trade union, in response to changes in legislation and/or case law.
- 4.3 The Redeployment Procedure is not open to staff who are simply seeking a career change.

#### **5. Categories of Staff and Priorities**

- 5.1 Employment legislation and case law imposes different levels of obligation on the Council to redeploy staff dependant on the reasons for the redeployment and the circumstances of the individual employee. In particular, there is a specific obligation to offer alternative employment to staff on ordinary or additional maternity leave or adoption leave. To ensure that the Council meets its legal obligations, therefore, it is necessary to clearly identify how the Council will ensure that these different levels of legal obligation are met.
- 5.2 Staff admitted to the Redeployment Register will be placed in one of the following priority categories: (the priorities are not statutory and some variation may be possible, which will require careful consideration and advice).

**Priority Category 1:** Pregnant employees or those on ordinary or additional maternity leave or adoption leave who are under notice of dismissal for any reason other than misconduct or capability.

**Priority Category 2:** Employees who become disabled and for whom redeployment to a suitable post is a reasonable adjustment.

**Priority Category 3:** Employees with over 2 years service (including those on fixed term contracts of over 2 but under 4 years length) who are under notice of redundancy;

**Priority Category 4:** Permanent employees with under 2 years service who are under notice of redundancy;

**Priority Category 5:** Permanent employees who have been recommended for redeployment as a result of a capability hearing.

## **6. The Redeployment Process**

- 6.1 Staff will normally be nominated for redeployment by their Line Manager.
- 6.2 HR will determine whether the member of staff meets the criteria for admission to the redeployment scheme and which priority category the employee will be placed in.
- 6.3 If an employee, or their line manager, feels that they have been unreasonably denied access to the redeployment register or placed in the wrong priority category they may raise the matter under the grievance procedure.
- 6.4 An HR Officer will interview each member of staff admitted to the Redeployment Scheme to conduct a skills audit and produce an inventory summarising the skills, qualifications and experience, together with an indication of the type of work he/she should to be considered for and whether he/she is prepared to consider redeployment into a lower graded post. This information will be agreed with each member of staff. A pro-forma Skills Audit is attached as Appendix 1.
- 6.5 All posts submitted for advertisement will be assessed against staff on the redeployment register before being placed for advertisement or forwarded to the Council's recruitment agent. If there is a likely match the employee will be advised and his/her skills inventory passed to the recruiting line manager.
- 6.6 If a post is inadvertently advertised but is potentially suitable for a redeployee, the redeployee will be considered ahead of any other candidates.
- 6.7 The suitability of redeployees for posts will be assessed through:
  - i. A review of the skills inventory only,
  - ii. An informal discussion with the redeployee about the job requirements,
  - iii. A more formal interview (N.B. this option will only be used where there is more than one redeployee with a legitimate claim to the job).

HR may attend informal discussions or formal interviews on their own initiative or at the request of a redeployee or the recruiting manager.

- 6.8 If a redeployee appears to meet the requirements of the person specification for the post, or will do so with training that is available at reasonable cost and within a reasonable time-scale, he/she will be offered a meeting with the manager of the post to confirm or reject this assessment before undertaking a trial period in the post.
- 6.9 If there is a dispute about suitability and the manager determines that a redeployee put forward for a post is not suitable, the manager must provide HR with a written statement of the reasons for rejecting the redeployee which will be shown to the redeployee who can challenge the decision under the grievance procedure.

## **7. Trial Period**

- 7.1 Staff under notice of redundancy have a statutory entitlement to a four-week trial period in a job offered as suitable alternative employment. The trial period allows both the employee and the employer to assess the suitability of the offer of alternative employment.
- 7.2 The statutory four-week trial period may be extended only for the purpose of training the employee to do the job and the length of the trial period must be determined at the outset. **The Trial Period cannot be extended once it has been started, for whatever reason.**
- 7.3 The trial period can last beyond the date of dismissal and, if a suitable vacancy is identified very near the dismissal date, the trial period can start after the old contract has ended.
- 7.4 A template letter setting out the details of the post, the trial period and whether or not the job is seen to be reasonable alternative employment, is included in Appendix 2.

## **8. Salary Protection**

- 8.1 The Council believes firmly in the principle that staff should be fairly paid for the jobs that they do but also, that it would be an improper use of public money to offer open-ended salary protection to staff who accept redeployment to a lower graded job. We do recognise, however, that staff may need some time to reorganise their personal finances if they find themselves accepting a lower graded job, through no fault of their own.
- 8.2 No member of staff will be required to accept a job on a lower salary.
- 8.3 Where a member of staff chooses to accept a job at a lower salary, and with the exception of staff being redeployed following formal action under the capability procedure, the Council will provide some form of protection for a

period of three years to enable him/her to reorganise their personal finances on the following basis:

- 8.3.1 During this time the current salary only is protected, i.e. people do not receive increments, pay awards or any other payments which would see their monthly salary increasing (actually incurred payments like mileage and subsistence would be allowed at the current rate).
- 8.3.2 The protection will only normally be limited to 2 grades or the monetary equivalent except in circumstances where it is in the Council's interest to exceed this.
- 8.3.3 The rate of pay (inclusive of all contractual enhancements) an employee is receiving on the date on which the old job ceases is frozen for three years or earlier in cases where the salary at the top of the grade of the new job catches up in cash terms within the three year period. Of course if the freezing of pay takes the employee below the current rate (at the top point) for the grade of the new job, then the rate of the new job will immediately apply.
- 8.3.4 This means that the employee will no longer receive annual pay awards, increments or any other award such as the local 5% award if eligible after the above date until the end of the three year period or until the new lower salary catches up or overtakes the frozen salary if earlier.
- 8.3.5 At the end of the three year period if the new rate of pay is still lower, the employee will drop down to the new rate at the top of the grade.
- 8.3.6 Annual leave and other service related benefits will be protected for 3 years. Where a lower level of annual leave entitlement is attached to the new post, this will apply at the end of the protection period.
- 8.3.4 If the employee has a lease car attached to their previous role, this will be continued until the lease or the protection runs out, whichever is soonest.
- 8.3.5 Where applicable a certificate of protection to pension benefits will be issued.
- 8.3.6 Where the employee's payment varies from month to month the protected salary will be the average of the previous three months' payments.
- 8.3.7 At the end of the three years' personal protection the member of staff will be paid the highest point of the substantive grade for the job they have been redeployed into and will, from then onwards, receive the nationally negotiated pay awards for local government staff.



8.3.8 Those staff who become disabled during the course of their employment with the Council and where redeployment to a lower graded post would constitute a suitable adjustment will also receive protection as set out in 8.3.1 to 8.3.7 above.

8.3.9 Staff who choose to accept redeployment to a job with a lower salary following formal action under the Capability Procedure will be paid the maximum salary of the job they have been redeployed into from their first day in the job.

## **9 Additional Action**

9.1 The Council will seek to establish reciprocal arrangements with neighbouring local authorities to share information about staff seeking redeployment, with the objective of increasing the opportunities available.

9.2 These arrangements will be completely voluntary and none of the protections provided by this procedure, such as trial periods and salary protection will apply.

9.3 Employees will retain continuity of local government service, but how this is applied to entitlements to local terms and conditions will be at the accepting authority's discretion.

9.4 Staff who are being redeployed because of redundancy will lose their entitlement to a redundancy payment if they accept employment with another local authority (or any body listed in the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification Order 1999) within 4 weeks of leaving East Herts' employment.

PRIORITY GROUP:

**Redeployment Scheme: Skills Inventory**

**1. Personal Information**

Name: ..... Department:.....

Job Title: ..... Post Number: .....

Access to email at Work? Yes/No

Access to email at Home? Yes/No (if yes give email address below)

.....

Work Phone Number:..... Home Phone Number: .....

Mobile Phone Number: .....

Home Address: .....

.....

**2. Type of Jobs to be Considered**

Minimum Grade: ..... Full-time/Part-time: .....

Description of type of work sought

Special Requirements: .....

.....

**3. Reason for Admission to the Scheme and Priority Group**

**Reasons for admission**

**PRIORITY GROUP:**

**Priority Group:**

- 1** (Pregnant employees or those on ordinary or additional maternity leave or adoption leave who are under notice of dismissal for any reason other than misconduct or capability.)
- 2** (Employees who become disabled and for whom redeployment to a suitable post is a reasonable adjustment.)
- 3** (Employees with over 2 years service (including those on fixed term contracts of over 2 but under 4 years length) who are under notice of redundancy.)
- 4** (Permanent employees with under 2 years service who are under notice of redundancy.)
- 5** (Permanent employees who have been recommended for redeployment as a result of a capability hearing.)

**4. Current Job Details**

**Brief Outline of Duties**

(N.B. attach copy of JD and Person Specification)

**PRIORITY GROUP:**

**Corporate Competency Levels**

*N.B. Need to list competency levels required by redeployee in their current job.  
May need to pick up changes made as part of the PDRS review.*

**Key Skill and Knowledge Requirements of Current Job**

**5. Previous Employment History**

**PRIORITY GROUP:**

**6. Qualifications and Training Courses Attended**

**7. Summary of Member of Staff's Knowledge, Skills and Experience**

**Knowledge**

**Skills**

**PRIORITY GROUP:**

**Experience**

**8. Jobs that the Member of Staff is Particularly Interested in.**

**9. Jobs in East Herts that Would Suit the Member of Staff**