Redeployment Policy
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**Policy**

### Purpose of the policy

The Redeployment Scheme provides a framework for the council to:

- Comply with the legal requirement to seek suitable alternative work for employees at risk of redundancy
- Build the best possible workforce for the future.

### Principles

A fair and transparent process will be followed to ensure good outcomes for both the organisation and its employees, and all decisions and agreements will be recorded.

### Scope

Applies to all Bristol City Council employees except:

- Casual or agency staff
- Non-permanent employees on fixed term contracts not terminated on the grounds of redundancy at the end of the contract (e.g. cover for maternity leave or sickness absence)

In exceptional circumstances other employees may be eligible for the Redeployment Scheme.

There are separate provisions for:

- 1st and 2nd tier officers (see next paragraph)
- Teachers and support staff in schools.

Schools wishing to participate in the scheme will need to finance the cost.

### Redeployment provisions for 1st and 2nd tier officers:

Officers at tiers 1 – 2 will be:

- Considered for vacancies on JNC grades where the salary is up to 20% lower in contractual pay than their current job.
- Offered support from our job search support partner, in line with other redeployees

In some cases the nature of their specialist jobs may make redeployment unrealistic, and in these circumstances the Strategic Director, in conjunction with the HR Advisor, will meet with them to discuss options.
Eligibility criteria for Redeployment Scheme

Employees will enter the Redeployment Scheme when they have been issued with notice of termination of employment. Only employees who have been issued with notice may enter the Redeployment Scheme.

Some specialist jobs, working hours or work patterns may make redeployment unrealistic. In these circumstances a member of the Redeployment Team will discuss the available options with the employee.

Employees who successfully apply for voluntary severance will not be covered by the Redeployment Scheme.

Notice period

Permanent employees will be issued with 12 weeks’ notice of termination of employment to coincide with completion of a review.

Employees (including FTC employees) who are eligible to be medically redeployed may enter the Redeployment Scheme for up to 12 weeks prior to termination of their contract (see above re: length of contract).

FTC employees who are redundant at the conclusion of the contract may enter the Redeployment Scheme for the final 12 weeks of their contract, where the length of contract allows. Where it does not, a reasonable notice period will be issued at the discretion of the employer.

Redeployees who previously secured suitable alternative employment on a fixed term contract will be issued with notice and re-entered into redeployment 6 weeks before the end of the fixed term contract.

Transition in to the redeployment scheme

The HR Advisor assigned to your case will arrange a meeting with you and your manager to issue you with a notice letter. The HR Advisor will then refer you to the Redeployment Team who will induct you into the scheme.

Employees will normally remain within their existing Department during their notice period.

Suitable alternative work

Suitable alternative work is a job whose contractual pay is at the same grade or no more than 20% lower than the contractual pay in their current job. A post with fewer hours is unlikely to be a suitable alternative offer unless the employee agrees to accept it on this basis.

Two years’ pay protection will be paid if an appointment is within the 20% reduction in contractual pay. This applies to a reduction in grade and/or hours.

Redeployees may apply for jobs below 20% of their substantive contractual pay if they wish. Where new contractual pay is more than 20% below current contractual pay, pay protection will not apply.

Suitable alternative employment is deemed to be a permanent post or a fixed term contract of 12 months or longer. However, a redeployee can choose to apply for a post that is of less than 12 months’ duration.

If a fixed term post is to be made permanent, and it is currently being covered by an employee who accepted the role through redeployment, and who is due to return to the Redeployment Scheme at the end of the fixed term, that same redeployee should be confirmed into the permanent post without a further recruitment and selection process.

As a reasonable adjustment, Disabled employees covered by the Equality Act 2010 may apply to jobs one grade higher than their substantive grade.

A redeployee can apply for a higher-graded post that has cleared redeployment and is now being advertised on the BCC website. The Fair Selection and Recruitment Policy will apply in this circumstance and you may be considered alongside other applicants.
**Securing suitable alternative work**

Employees are entitled to reasonable time off to search for jobs.

Once in the Redeployment Scheme, if the redeployee meets the criteria for a job (or could do so with training) they may be appointed following a redeployment interview to ascertain suitability.

If more than one redeployee is considered suitable for the post, the order of selection is as follows:

- Employees on maternity leave.
- Disabled employees who are covered by the Equality Act 2010.
- The highest scoring candidate if none of the above apply.

It is important that appointments are made on merit in line with the Housing and Local Government Act 1989, unless there is an exception, e.g. there are genuine occupational requirements related to race or sex.

Where it is not proposed to make an appointment following an interview with a redeployee, a member of the Redeployment Team may discuss the reasons for non-appointment with the manager and discuss whether support and training could enable the redeployee to take up the job. Following this discussion, if a decision has been reached that the appointment is not a suitable alternative it is the recruiting manager’s responsibility to give constructive feedback to the redeployee.

Employees will be supported both internally and externally as they seek to secure suitable alternative employment. External job search will not prejudice their internal redeployment opportunities.

Our job search support partner will support redeployees to help them secure suitable alternative employment internally and externally.

As appropriate, employees can be signposted to internal training opportunities. TU Learning Representatives will be able to advise on a range of skills issues for their TU members.

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**Provisions of the Scheme**

Employees in the Redeployment Scheme should engage with the process with the aim of securing suitable alternative work until the end of their notice period. Redeployees should make an application for all posts for which they meet - or could meet - the essential criteria (given reasonable training) that are at their grade or not more than 20% lower than their substantive contractual pay. The Redeployment Team will audit applications made, and where it is deemed that employees are not co-operating with the process, their redundancy pay may be withheld.

A redeployee offered both a permanent job and temporary arrangement must accept the permanent post.

When employees have been referred to the Redeployment Scheme the Redeployment Team will:

- Provide clear information to each redeployee about the Redeployment Scheme and advise redeployees of the grades of jobs for which they can apply under priority consideration (ie. at their grade or not more than 20% lower than their substantive contractual pay in their current job).
- Answer any queries on the Scheme and arrange reasonable support for redeployees when submitting applications.
- Provide the Job Search Support Partner with the redeployee’s details.
- Redeployees will have access to the Redeployment vacancies. The redeployee will review the requirements of each job and make an application for those deemed suitable alternative employment.
- Ensure that the recruiting manager provides constructive written / spoken feedback to unsuccessful candidates following interview.
- Collate information (for monitoring purposes) regarding posts applied for.
Selection

When applying for roles redeployees will be assessed against only the essential criteria of an employee specification.

A redeployee will be appointed following an interview if they demonstrate they have the skills required to carry out the role (or could do so with reasonable training).

If successful at the interview, the terms of the offer will be confirmed in writing by the Redeployment Team. Any offer is made subject to a statutory trial period of four weeks. Applications for other jobs will cease during the trial period.

Trial period

Employees offered a suitable alternative post are entitled to a trial period of a minimum of four weeks.

A trial period is for both parties to assess the suitability of the post. Regular documented reviews must take place to assess the performance of the employee against the essential criteria for the post.

The statutory trial period should be extended up to 12 weeks for the purpose of training. This should be agreed at the outset, as it cannot be extended after this point.

A redeployee should inform their employer during the trial period if they decide the new job is not suitable. This will not affect their employment rights, including the right to statutory redundancy pay. Redeployees can lose their right to claim statutory redundancy pay if they do not give notice within the trial period.

Where a trial period is unsuccessful, if their notice period has yet to expire the employee will return to the Redeployment Scheme for the remainder of their notice period. Where the period of notice has already expired, employment will be terminated immediately. Notice periods will not be further extended.

Employment rights

Employees will retain all accrued employment rights, including the right to accrual of continuous service, annual leave, pension provision and a redundancy payment if applicable.

All accrued annual leave must be taken during your notice period. If you are a medical redeployee and absent from work because of sickness then the Supporting Attendance Policy applies.

Medical redeployment, reasonable adjustments & maternity leave

Reasonable adjustments will be made during the selection process and where suitable alternative work is identified.

Medical redeployees who are considered disabled under the Equality Act 2010 can also apply for jobs at one grade higher than their substantive job.

Employees at risk of redundancy whilst on maternity leave must be offered a suitable alternative vacancy, where one exists. This can include direct appointments, and they have priority over other employees.

For disabled employees covered by the Equality Act 2010, a reasonable adjustment should be made to support the employee in finding suitable alternative employment. Where a reasonable adjustment is being considered, the manager and the employee should meet for an informal discussion about the job to ascertain their suitability and any additional training or support required.
**Appeal by employees against suitability of job**

An employee who does not consider that the offer of an alternative appointment is “suitable” (on the basis of the type of work offered, pay, status, location or working hours) may lodge an appeal with HR Advice and Support within five working days of the written offer.

Employees may appeal during or after a trial period, or without undertaking one. Employees should not use the Grievance Procedure, which will not be applicable under these circumstances.

A Service Manager (normally from the same department, but exceptionally from another department) and an HR practitioner will hear appeals from employees at or below third tier. Wherever possible, neither should have been involved in the process before this point.

The Employee Appeals Committee hears appeals on the above grounds from employees at first or second tier.

The employee will present reasons for considering the suitable alternative post is unsuitable.

The potential manager/ a member of the Redeployment Team will present reasons for considering it is a suitable alternative post.

If it is considered that the employee’s reasons are not reasonable, the appeal will not be upheld. The employee may be dismissed on grounds of redundancy, and may forego any applicable redundancy payment.

If the refusal is considered reasonable, the appeal will be upheld. The employee will return to the Redeployment Scheme for the remainder of their notice period. Where the period of notice has already expired, employment will be terminated immediately. Notice periods will not be extended.

Appeal outcomes will be confirmed to the employee within five working days.

**Appeal following completion of an unsuccessful trial period**

Employees should write to the Lead Manager within five working days of being notified that the trial period has been unsuccessful, stating reasons for the appeal.

The employee will be invited to present their case to the Appeals Panel, who will either:

a) Uphold the appeal, and appointment to the post will be confirmed

OR

b) Reject the appeal. The employee will return to the Redeployment Scheme for the remainder of their notice period. Where the period of notice has already expired, employment will be terminated immediately. Notice periods will not be extended.

If no alternative posts are found before the end of the notice period the original reason for dismissal will stand and the employee will receive a redundancy payment (if applicable).
Pay protection

Where an employee is offered and accepts a suitable alternative post:

a) Contractual pay will be protected. This means basic pay plus any contractual enhancements covered by the Working Arrangements Policy. An employee’s contractual pay is based on their grade and hours of work. For the avoidance of doubt, this is the full difference in pay between the current contractual pay and the contractual pay of the alternative post that has been accepted. Please see the next two sections below on increasing and reducing hours etc.

b) The contractual pay will be frozen at this protected amount for either two years or until their contractual pay in the new post would meet/exceed their current contractual pay, whichever is the sooner.

c) Pay awards and increments will not be payable during the period of protection.

d) The employee will be paid at the top spinal column point of the grade for the post once the period of protection ends.

e) Where an employee obtains a new job at a higher grade during the pay protection period, they will continue to receive their pay protection up to the point where their contractual pay was frozen.

Increasing working hours during the period of pay protection

Where an employee’s working hours in the post increase during the period of protection, the additional hours (including any overtime) will be paid at the unprotected rate for the job. Overtime payments will be in accordance with the employee’s conditions of service and the Council’s Working Arrangements Policy.

Reducing working hours during the period of pay protection

Where an employee reduces their working hours on a voluntary basis on commencement of the new post or during the period of protection, their contractual pay (including the element of protection) will be reduced accordingly (on a pro rata basis).

Protection of pension benefits

Members of the Local Government Pension Scheme whose contractual pay reduces as a result of organisational change will be issued with a statement of the pension protection arrangements of the scheme by the HR Advisor.

Please note that different arrangements apply for members of the Teachers’ Pension Scheme who should seek advice from HR.
Responsibilities of all parties

Current line managers:

- Approve time off for employees to attend job search skills training and interviews.

Recruiting managers:

- Each of the panel must have completed the Fair Selection and Recruitment course in order to sit on the interview panel.
- Redeployees should be assessed against the essential criteria only – demonstrating that they meet all the essential criteria, or could do so with training.
- If requested redeployees should be given access to the interview questions at the start of the interview.
- It is the recruiting manager’s responsibility to give constructive written feedback to the redeployee.
- When appointing, the panel should complete the Starter/Changes Form, detailing any trial period as stated in section “Trial period”.

Employees:

- Take responsibility for their future career and be pro-active in their job search, whether internal or external.
- Actively co-operate and participate in seeking redeployment. Failure to do so may result in loss of redundancy and severance benefits.

Redeployees are required to:

- complete and update their redeployment forms promptly
- attend meetings and interviews as required
- accept reasonable offers of suitable alternative work
- identify potentially suitable vacancies being advertised in the Council and
- seek alternative employment themselves.

Redeployment Team:

- Work with redeployees to complete the referral, and then work with the Job Search Support Partner and recruiting managers to secure future employment for displaced employees.
- Follow procedures fairly and flexibly to achieve maximum redeployment.

Job Search Support Partner:

- Receives details of all redeployees when they have been served with their contractual notice.
- Makes contact with all referred redeployees within 48 hours.
- Arranges an initial 1:1 diagnostic discussion by telephone or face-to-face.
- Plans a tailored service for each redeployee according to their needs.
- Suggests and facilitates training to enhance employability skills e.g. writing a CV, interview skills training, how to use networking sites for employment search, directing to useful information, etc.

Varying the provisions

In exceptional cases the council retains the right to vary the provisions of this document.
Provision for teaching staff

Pay protection for teachers:
Teachers will receive pay protection in accordance with the “safeguarding” provisions set out in the School Teachers’ Pay and Conditions document.

Teachers’ pensions:
Advice should be sought from HR on arrangements for members of the Teachers’ Pension Scheme.

Process challenge:
Wherever possible, informal resolutions should be sought in the first instance. Where necessary redeployees who are dissatisfied with the redeployment process can use the grievance procedure.
Additional guidance and support

This policy provides you with an overview of the purpose of the policy and the roles and responsibilities of those for whom it is intended. It also provides guidance on the application of the policy. There are other documents which provide more detail and helpful guidance that should be read in conjunction with the policy and these are listed below.

**Additional guidance**

Redeployment Flowchart for Managers
Entitlements of Employees in Fixed Term Contracts
Redeployment Guidelines for Employees
Redeployment Guidelines for Managers
Redeployee’s Journey
Redeployment Timeline

**Letters and forms**

Manager Reference Questionnaire - Disclosure (PDF)
Manager Reference Questionnaire - Disclosure (Word)
Redeployment Information and Monitoring Form (PDF)
Redeployment Information and Monitoring Form (Word)

**Associated policies**

Appeals policy
Equality Act 2010
Fixed Term Contract Guidance
Managing Change Policy
Pay Protection Guidance
Supporting Attendance Policy
Working Arrangements Policy
Author and owner: Human Resources
Contact: hr.advicecentre@bristol.gov.uk
0117 35 21400
Date adopted: 1 September 2015

The audience of this document is made aware that a physical copy may not be the latest available version. The latest version, which supersedes all previous versions, is available on The Source.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

**History of most recent policy changes – must be completed**

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<th>Date</th>
<th>Change</th>
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<tbody>
<tr>
<td>V.1.00</td>
<td>11 September 2015</td>
<td>Re-formatted &amp; revised policy</td>
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