



# Redeployment Policy and Procedure

**July 2012**

All our written information can be made available, on request, in a range of different formats and languages. If you would like this document in any other language or format please contact HR Support on 01856873535 extension 2250 or email [hrsupport@orkney.gov.uk](mailto:hrsupport@orkney.gov.uk)

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## 1. Policy statement

Orkney Islands Council is committed to good employment practices and recognises the benefit of maintaining a skilled and experienced workforce.

Having suitably skilled and experienced people in appropriate posts is critical to the success of the Council in order to provide services to the communities of Orkney and be able to achieve its objectives. This redeployment policy can help by retaining relevant skills, knowledge, experience and competencies of our employees, many of which are likely to be transferable.

The Council also has a statutory duty to protect employees' security of employment wherever possible, and under the Equality Act 2010, to consider making reasonable adjustments (one of which is redeployment) for any employee who has or becomes disabled.

The aim of this procedure is therefore to provide a framework based on fairness, consistency, existing recognised best practice and employment legislation to finding suitable alternative employment for employees in need of redeployment, wherever possible.

## 2. Scope

This policy and procedure will apply in the following circumstances:

- **Organisational Change / Service Redesign** – as a result of a Committee / Council approved restructure which results in a substantive post, skill or experience being no longer required.
- **Medical / Disability** – on receipt of confirmation of clear medical reports from the Council's Occupational Health Adviser that an employee is unable to carry out the duties and responsibilities of their substantive post due to ill health or disability.

This policy and procedure will apply equally to permanent employees of Orkney Islands Council and to temporary / fixed term employees with two or more years continuous service.

This policy and procedure applies to the following staff groups: Scottish Joint Council (SJC) / Single Status employees, Orkney College Academic staff, Heads of Service, Executive Directors and the Chief Executive.

This policy and procedure also applies to teachers and other employees covered by Scottish Negotiating Committee for Teachers (SNCT) conditions of service to whom the Compulsory Transfer of Teaching Staff policy does not apply, i.e. teaching staff recommended for redeployment to a non-teaching role. Further information on the Compulsory Transfer of Teaching Staff policy is available within the Local Conditions of Service for Teachers.

## 3. General principles

Orkney Islands Council values its employees and will take all reasonable steps to protect their security of employment.

Orkney Islands Council will comply with its legal duties under the Equality Act 2010 in respect of considering all reasonable adjustments where an employee becomes disabled or whose disability worsens and is deemed by Occupational Health to be no longer able to carry out the duties and responsibilities of their substantive post.

The terms 'employee at risk' or 'redeployee' are used throughout this document in reference to an employee who falls into the scope of the redeployment policy as outlined in section 2 above, it does not change their status of employment with the Council.

Where necessary and appropriate the Council will give consideration to reasonable training and management support to help an employee meet the requirements for a particular role.

Every reasonable effort will be made to find suitable alternative employment, however, this cannot be guaranteed and, in some cases where the redeployment is unsuccessful, this procedure will result in the employee's contract of employment with the Council being terminated.

Redeployment matters will be dealt with promptly, sensitively and confidentially.

The objective of the policy and procedure is to redeploy employees into roles as compatible with their existing terms and conditions of service as possible. A post is considered as a reasonable redeployment opportunity where it is graded from one grade below to one grade above the employee's substantive post.

Where redeployment is being considered between different terms and conditions of employment e.g. a teacher to a non-teaching post; the current annual salary for the employee will be used as the means of determining a comparable grade in the new pay and grading structure.

### **3.1. Representation**

At all stages within the redeployment procedure, (with the exception of interviews for possible redeployment opportunities) an employee is able to be accompanied by either a work colleague or a trade union representative / official employed by a trade union. There is no right to be accompanied by a solicitor or other legal representative.

### **3.2. Redeployment search**

The Council will normally suspend its recruitment and selection processes in respect of specific and relevant posts when assessing an employee for possible redeployment i.e. no post will be advertised either internally or externally until it has been assessed against the skills / experience of those employees on the redeployment register.

Where an employee on the redeployment register is interested in a post graded more than one grade above the substantive post they would need to apply for the post and be successfully appointed to the post through the normal Council recruitment and selection procedures. A guaranteed interview for the post would be

offered where their skills and experiences meet the essential criteria for the post as a result of the individual being on the redeployment register.

Where more than one employee on the redeployment register is being considered for a vacancy, a competitive interview process in accordance with the Council's Recruitment and Selection Policy will be carried out. This process will however be restricted to those employees on the redeployment register who have been assessed as a basic skills match.

Where redeployment of an employee on maternity / adoption leave is necessary as a result of organisational change / service redesign they will be considered preferentially for redeployment opportunities that may occur.

### **3.3. Redeployment to a temporary post**

Where redeployment is to a temporary post, the employee will be placed back on the redeployment register 12 weeks before the end of the temporary contract for a further redeployment search to be carried out.

### **3.4. Salary placing and protection**

Where an employee is redeployed to a post within the same grade they will remain on the same salary point. Where an employee is redeployed to a post at a lower grade, they would be placed at the top point of the lower grade and salary protection would apply.

Salary protection would apply for a maximum of 12 months or until such time as the top point of the grade to which the employee is redeployed reaches the previous salary point, whichever is first.

During a period of salary protection an employee would not receive any agreed cost of living increases, or annual incremental progression, unless in doing so this takes them out of salary protection.

An employee's original employing service will be responsible for the cost associated with any salary protection.

Salary protection would not apply in the following circumstances:

- Redeployment to a lower level of contracted hours.
- Redeployment to a lower number of working weeks i.e. to a term-time post.
- Redeployment for medical / health reasons.
- Redeployment on the basis of poor work performance or misconduct.

### **3.5. More than one redeployment option**

In the event that more than one potential redeployment option is able to be considered at any point in time, the Council would consider that the post graded closest to the employee's substantive post grade will be considered as the reasonable offer of redeployment, provided a basic skills match exists. Should an employee choose not to progress with this option and instead select another of a

lower grade, then any salary protection would be limited to that which would have been applicable for the higher graded post.

### **3.6. Additional travel costs**

Where as a result of redeployment an employee's permanent place of work has been relocated by over five miles, the additional distance to and from their home to their new place of work shall be paid for a maximum period of three years at the standard normal mileage rate within the Single Status conditions of service. No mileage will be paid for travel at lunchtime.

An employee's original employing service will be responsible for the cost associated with any additional travel costs related to redeployment.

## **4. Roles and responsibilities**

For redeployment to be as successful as possible it is important that each individual involved fully engages and co-operates with the process. A summary of the expectations for each person is outlined below:

### **4.1. Employee at risk / requiring redeployment**

- Fully engage and co-operate with the redeployment process.
- Be as flexible as possible during the redeployment search in order to maximise their chances of successful redeployment.
- Attend meetings as requested in relation to the redeployment process e.g. with managers / Human Resources / Redeployment Co-ordinator.
- Fully complete and submit a Redeployment Application and Skills profile and any additional information focusing their skills, knowledge and experience to the requirements of the post as outlined in the Person Specification.
- Provide the Redeployment Co-ordinator with contact details including home address, contact telephone numbers (work and home or mobile) and wherever possible an email address.
- Check the weekly Council vacancy bulletin and identify any posts they consider as possible redeployment options to the Redeployment Co-ordinator.
- Identify with the Redeployment Co-ordinator / line manager for the post any skills / knowledge gaps and agree reasonable training requirements for any redeployment post.
- Confirm within three calendar days of any offer of a redeployment trial / redeployment whether or not they wish to accept this.
- Where an offer of a redeployment trial / redeployment is not accepted provide detailed and specific reasons in writing for this.

### **4.2. Manager (of employee's substantive post)**

- Arrange to meet with the individual affected to discuss and confirm the reason for them being at risk / requiring to be redeployed and confirm this in writing after the meeting, with support from HR.
- Provide the employee with every support and assistance throughout the redeployment process e.g. time off to attend meetings / interviews, supporting the employee with the completion of redeployment applications and the identification of relevant / transferrable skills and possible training needs.

- Be prepared to release the employee to undertake a redeployment trial period.
- Ensure that the employee has taken all outstanding annual leave prior to the date of any redeployment, or ensure a clear agreement is in place with the employee's new line manager that the outstanding annual leave can transfer.
- Ensure that relevant contractual amendment paperwork is submitted to Human Resources, i.e. Notification of Change or Notification of Termination as appropriate.

### **4.3. Manager (of possible post for redeployment)**

- Be open to employees being redeployed to vacancies within their service area.
- Carry out informal discussions with employees whose skills are a basic match for the essential criteria for the post to determine whether or not a redeployment trial period should be offered.
- Work with the employee to identify skills gaps and put in place reasonable development during the redeployment trial period.
- Provide reasonable and appropriate advice and support during a redeployment trial period in order to maximise the likely success of the redeployment trial.
- Carry out a mid-point progress review with the employee during the trial period to identify areas of good performance and look at areas still requiring focus during the remainder of the redeployment trial period.
- Liaise with Human Resources prior to the end of the trial period to confirm whether or not the trial period has been successful and identify the way forward; which could include an extension to the redeployment trial period being considered.
- Meet with the employee at the end of the final week of the trial to confirm the outcome as either successful or unsuccessful, and ensure that this is confirmed in writing.

### **4.4. Human Resources**

- Provision of advice and support to managers and employees in respect of the policy and process of redeployment.
- Maintain the Council's redeployment register up to date at all times.
- A member of the Human Resources team will act as Redeployment Co-ordinator for each employee. The Redeployment Co-ordinator may not be the same person for each person on the redeployment register, however the same range and level of support will be available to every redeployee.
- The Redeployment Co-ordinator will arrange to meet with the employee to talk through the process of redeployment and provide support to them in completing the redeployment profile.
- Issue a copy of the weekly Council vacancies, to be emailed or posted out to each employee on the redeployment register.
- Review each recruitment advertising request received from Services against the list of employees on the redeployment register to see if these could be suitable employment opportunities.
- Assess the skills and experiences of employees on the redeployment register against the essential criteria in the person specification to decide if there is a basic skills match for the vacancy to be considered as a possible redeployment.

- Contact line manager of any vacancy to advise of where there is a potential redeployment candidate and confirm arrangements for informal discussion.
- Confirm any offer of redeployment trial in writing.
- Process contractual amendment documentation in respect of any redeployment.

#### **4.5. Trade Union representative (at the request of the employee)**

- Support the employee.
- Work with managers and Human Resources to ensure successful outcomes in respect of redeployment as far as reasonably possible.

#### **4.6. Council Occupational Health Adviser**

Where an employee is unable to carry out the full range of duties associated with their substantive post an assessment will be made by Occupational Health as to whether this is due to underlying health problems.

Occupational Health will be responsible for making an assessment of fitness for the substantive role and recommend any reasonable adjustments which may involve them communicating with GPs, Specialists or other relevant medical professionals.

Consideration of adjustments to the post will be made and advice given to management on what may be required. Should the adjustments not be possible following management and Human Resources assessment then redeployment on health grounds will be considered and a meeting with the employee arranged to discuss this.

Occupational Health will also provide advice on what tasks it will be possible for the employee to undertake, what type of work the employee may be able to be considered fit to undertake and what adjustments require to be made to the post or workplace to assist the employee. Occupational Health will also carry out an assessment of the proposed redeployment and the employee's fitness to undertake the role. This assessment would normally be carried out prior to any trial period commencing.

### **5. Procedure**

The redeployment procedure consists of key stages, although it should be noted that each stage does not necessarily require its own meeting, however there will be a series of meetings and discussions in any redeployment process. It is for clarity and the ease of explanation and management that the process has been broken down into these stages.

#### **5.1. Stage 1 - Informing and meeting with the employee**

Where it is identified that there is a requirement to consider redeployment of an employee, the line manager should invite them to attend a meeting. The purpose of the meeting will be to discuss the circumstances that have led to the recommendation for, or identified the need for, redeployment i.e. implementation of a Committee / Council budget saving or restructure or health / medical grounds meaning that the employee is unfit to carry out the duties of their substantive post.

The employee should be given seven calendar days notice of the meeting and should be reminded of their ability to be accompanied by either a work colleague or a trade union representative / official employed by a trade union.

At the meeting the employee should have the circumstances explained to them that have resulted in the requirement to consider redeployment and be given the opportunity to respond. The redeployment procedure should be outlined to them and a copy of the Redeployment Policy and Procedure provided to them.

The employee should be asked to confirm whether they wish to pursue redeployment or not. The outcome of the meeting should be confirmed in writing to them within seven calendar days.

Where an employee chooses not to progress with redeployment, there may be no other alternative than to consider termination of their employment and advice should be taken from Human Resources before any final decision is reached.

It is also important to ensure that where appropriate the requirements of other relevant Council Policies and Procedures e.g. Managing Sickness Absence, Restructuring or Redundancy are complied with and advice should be sought from Human Resources before arranging any meeting.

## **5.2. Stage 2 - Starting the Service search for redeployment**

Once it is clear that the redeployment search is to be carried out and the employee is committed to engage with the process, the employing service should initially carry out a search for any suitable alternative vacancies within their service. It is normally far easier to identify a suitable redeployment post within the existing service, where the individual's skills, knowledge and experience will be most directly relevant, which is why an initial search within their own service should be the first course of action.

This search should include current vacancies, posts currently at, or about, to go to advert; vacancies that are anticipated to arise in the near future from resignations, retirements or new posts.

Normally this review should be carried out within seven calendar days of the initial meeting. Where no relevant vacancies exist the manager should contact Human Resources and arrange to extend the redeployment search Council wide.

## **5.3. Stage 3 - Starting the Council search for redeployment**

A meeting should be arranged as soon as possible with the employee, their manager and Human Resources. The employee can be accompanied to this meeting by either a work colleague or a trade union representative should they wish. The meeting will cover:

### **Completion of the redeployment profile.**

A summary of all the skills, knowledge and experience that the employee has as well as any preferences that the employee may have i.e. location / full-time / part-time working and any medical restrictions to enable an informed search for suitable alternative employment to be made.

### **Confirm the redeployment process.**

Advise the employee of the process associated with redeployment and of their responsibilities under this. This will include:

### **Duration of redeployment search.**

The search for suitable alternative employment will take place over a period of 12 weeks.

The redeployment search and period of contractual notice will run concurrently, starting from the date of the meeting between the employee, their manager and Human Resources.

### **Defining suitable alternative employment.**

This is determined according to pay, location, status, working environment and hours of work along with any restrictions which require to be taken into account and should all be detailed in the redeployment profile.

### **Refusal of an offer of suitable alternative employment.**

Suitable alternative employment will be sought and offered according to the information in the redeployment profile and every reasonable effort will be made to accommodate any restrictions.

Redeployment opportunities will be limited to the vacancies that arise within the Council during the period of time that the employee is on the redeployment register, no positions will be created specifically for the purposes of redeployment.

Where an employee unreasonably refuses an offer of suitable alternative employment, the provisions of this procedure will no longer apply and they will lose their right to any redundancy payment (where applicable). In such cases, the employee will continue to serve the remainder of their notice period; however no preferential treatment will be given to them and they will be removed from the redeployment register.

## **5.4. Stage 4 - Searching for suitable alternative employment**

As recruitment advertising requests are received from Services, Human Resources will consider these against those employees on the redeployment register. Where there is considered to be a basic skills match against the essential criteria the employee will be advised of the opportunity and asked to confirm within three calendar days if they are interested in pursuing this as a possible redeployment opportunity.

Human Resources will also send a copy of the Council's weekly vacancy bulletin to each employee on the redeployment register via email at work or at home. Where the employee has no email access a copy of this will be posted to their home address. Where an employee wishes to pursue a post on the bulletin as a possible redeployment opportunity they should contact Human Resources as soon as possible.

Where a vacancy is being considered as a possible redeployment opportunity, normal recruitment processes will be suspended, this may include having to withdraw a post from advertisement or put short listing procedures on hold to allow the redeployment opportunity to be considered.

Human Resources will carry out an initial skills assessment against the essential criteria for the post as outlined in the person specification to determine if there is potential for a basic skills match for the post.

Where there is considered to be a potential basic skills match, an informal discussion with the manager for the post and a representative from Human Resources will take place to confirm this, or otherwise.

Following that an informal meeting will be arranged to allow both the manager of the post and the employee to discuss the relevant skills, knowledge and experience and to determine if a redeployment trial is appropriate.

Where an offer of redeployment trial period is not considered appropriate, the manager for the post must provide Human Resources with written, substantiated and defensible reasons relating to the essential criteria outlined within the Person Specification for this.

Based on this information; Human Resources will then confirm the outcome to the employee within seven calendar days and provide them with feedback in respect of the reasons for a redeployment trial not being considered appropriate.

An employee does not need to meet all essential criteria for a post to be considered as suitable for a redeployment trial; however any skills gaps must be able to be considered as reasonable training / development needs.

The Council does not have an obligation to completely re-train or re-skill an employee to be able to undertake a post for which they have little or no relevant skills or experience of.

Where redeployment is being required on medical / health grounds an assessment from Occupational Health will be required to ensure that the post is suitable, and any reasonable adjustments that are recommended should be put in place prior to any trial period commencing.

Where redeployment is being considered to a post that requires Scheme membership for Protection of Vulnerable People for either children and / or protected adults a PVG application must be submitted and scheme membership confirmed prior to any trial period commencing.

## **5.5. Stage 5 - Redeployment trial period**

### **Duration of trial period.**

A redeployment trial period will normally be for a period of four weeks, although can be extended up to a maximum of 12 weeks. Any variation to the normal four week timescale should be agreed with Human Resources.

Any time on a redeployment trial would run concurrently with an employee's notice period. The expiry of a period of notice would not result in an agreed redeployment trial being cut short, the trial will continue through to its normal conclusion.

### **Pay.**

During a trial period the employee's original employing service will continue to pay their salary and this will be paid at the rate for their substantive job.

Where the post that the trial period is for is graded lower than their substantive post the trial period will count towards the total period of salary protection.

### **Other terms and conditions of employment.**

Other than pay, the terms and conditions of employment of the trial redeployment job will normally apply during the trial period.

### **Development and review.**

At the start of the trial period, the line manager should agree a development plan with the employee to meet any identified skills gap.

During the redeployment trial the line manager should meet with the employee regularly to review their progress, identify any areas still requiring development, areas of under performance and review the development plan. As a minimum it is expected that a mid-point review (end of week two of the trial period) is carried out using the pro-forma at Appendix 3. Identified development needs and assessment of performance should relate to the criteria for the job as detailed in the job description and person specification. Human Resources are available to assist and advise managers with undertaking any such review.

At the end of the trial period a further review meeting will be held to confirm whether the trial period has been successful.

### **Where the trial period has been successful.**

The employee will be confirmed in the job and appointed on the terms and conditions that apply to the post (except where salary protection applies). Human Resources will issue revised terms and conditions of employment to confirm the redeployment.

### **Where the trial period has not been successful.**

There is the option to consider an extension of the redeployment trial period for up to a further eight weeks (maximum of 12 weeks in total) to allow further time for the employee to be able to demonstrate their ability to carry out this post.

Where this is not considered an appropriate option, the employee will return to their substantive post for the remainder of the redeployment search period to allow time for suitable alternative employment to be identified.

Where the trial period end date is at or beyond the original end date for the redeployment search, no further search for suitable alternative employment will be able to be carried out and a final review meeting should be arranged.

### **5.6. Stage 6 - Final review meeting**

Every reasonable effort will be made to identify suitable alternative employment, however, this cannot be guaranteed and, where it cannot be found in the timescale allowed for redeployment, this process will result in the employee's contract of employment with the Council being terminated.

A meeting will be arranged with the employee, Human Resources and their substantive Head of Service. The employee will be provided with seven calendar days notice of the meeting in writing and will be entitled to bring a work colleague or trade union representative.

The letter will confirm that the purpose of the meeting is to review the redeployment search and consider the way forward, which may include termination of their employment with the Council.

### **5.7. Stage 7 - Right of appeal**

Where the decision is taken to terminate employment through the redeployment process, the employee will have the right of appeal in respect of this decision to the Staff Appeals Sub-Committee of the Council. Any appeal must be submitted in writing to the Head of Human Resources and Performance within 14 calendar days of receipt of written confirmation of their employment being terminated.



## Appendices

### Appendix 1: Employee redeployment profile

<b>Personal details.</b>			
Name:			
Home address:			
Contact telephone numbers (please tick preferred contact number).		Home:	
Work:		Mobile:	
Contact e-mail: (please tick preferred email address for communication).			
Work:		Home:	
<b>Reason for redeployment (please tick the relevant reason).</b>			
Organisational change / service redesign.		Medical / disability.	
<b>Details of Council post to be redeployed from.</b>			
Job title:			
Work location:			
Current grade:		Contracted hours:	
Working pattern:			
Summary of duties and responsibilities.			

**Previous employment, work or voluntary experience.**

Organisation.	Work location and job title.	Summary of duties and responsibilities.	Date from.	Date to.

Continue on a separate sheet if necessary.

**Qualifications and training.**

Please detail any qualifications and training that you have undertaken and could be beneficial to the search for alternative employment with the Council.

Continue on a separate sheet if necessary.

**Skills development / training needs.**

Please detail any skills development or training that you feel would help you in being able to be redeployed to alternative work with the Council.

Continue on a separate sheet if necessary.

**Redeployment options.**

Please answer the following questions, which will help the Council identify possible redeployment opportunities for you.

What types of work are you willing to consider?

Where in Orkney would you be prepared to consider working?

Would you be prepared to consider a post of fewer hours?  
If yes, what would be the minimum number of hours?

YES / NO.

**Other information.**

Please provide any other information that you feel would be beneficial to being able to identify suitable alternative employment within the Council.

Continue on a separate sheet if necessary.

**Please note that you will have the opportunity to provide a specific summary of your skills, knowledge and experience in addition to the information provided on this form for any specific redeployment opportunities that are identified.**

I declare that the information I have provided on this application form is full, accurate and complete and I understand that if I provide false information, or fail to provide full, complete and accurate information, this may lead to the decision that my application cannot be considered any further, the withdrawal of any offer of employment, or to my dismissal, if I have been appointed to Orkney Islands Council at any time.

Signature:

Date:

**Please note that all information given in this form will be treated in the strictest confidence and will be processed and stored as part of the Council's redeployment procedures.**



## Appendix 2: Redeployment skills development assessment

<b>Employee and redeployment post details.</b>	
Employee name:	
Redeployment job title:	
Work location:	Manager:
Grade:	Contracted hours:
<b>Identified development needs.</b>	
Based on the essential criteria from the post contained within the Person Specification please detail any areas of skills development required during the trial period, how and by who this will be addressed.	
Development need.	How this need will be supported.
Employee signature:	Date:
Manager signature:	Date:



### Appendix 3: Redeployment trial review

During any redeployment trial period the manager for the post must as a minimum undertake a review of performance and any identified development needs at the mid point and at the end of the trial period.	
<b>Employee and redeployment post details</b>	
Employee name:	
Redeployment job title:	
Work location:	Manager:
<b>Trail period details</b>	
Start date:	Duration:
Midpoint review:	End date:
<b>1. Midpoint review</b>	
Review of identified development needs.	
Review of performance in post.	
Outcome / recommendation.	
Employee signature:	Date:
Manager signature:	Date:

<b>2. End of trial period review</b>	
Review of identified development needs.	
Review of performance in post.	
Outcome / recommendation.	
Employee signature:	Date:
Manager signature:	Date:

Please return the completed form to the Redeployment Co-ordinator in Human Resources.