

ABERDEEN CITY COUNCIL

COMMITTEE Finance and Resources
DATE 2 February 2011
DIRECTOR Stewart Carruth
TITLE OF REPORT Revision to Redeployment Policy and Procedure
REPORT NUMBER: CG/10/014

1. PURPOSE OF REPORT

This report proposes a revision to the Redeployment Policy and Procedure. The main change concerns restricting the length of the redeployment search period from the current 13 weeks to an employee's contractual notice period, subject to a 4 week minimum.

2. RECOMMENDATION(S)

The Committee is requested to:

a) Approve this revision to the Redeployment Policy and Procedure.

3. FINANCIAL IMPLICATIONS

The above revision should assist the Council with the control of employment costs. By shortening the redeployment search period for displaced employees, this will mean that employees will only remain in the Council's employment for the length of their notice period, rather than 13 weeks, unless a redeployment opportunity can be identified. Hence, certain salary savings should accrue depending on the length of service of the redeployees.

4. OTHER IMPLICATIONS

It would be necessary to communicate this change to managers using the policy and procedure to ensure compliance with the revised arrangement.

5. BACKGROUND/MAIN ISSUES

Current Situation

The Redeployment Policy currently provides employees who are displaced on either medical or redundancy grounds with a 13 week search period in total for a suitable alternative post. This comprises a one week search within the employee's own service, followed by a 12 week Council wide search. At the commencement of the 12 week Council wide search, the employee is issued with notice of termination of employment. All redeployees therefore receive 12 weeks' notice of termination regardless of their length of service.

Proposed Change

This report proposes that the length of the redeployment search period be restricted to the employee's contractual notice period only, subject to a minimum of 4 weeks. Most Council employees are entitled to 1 week's notice for each year of continuous service up to a maximum of 12 weeks. This would mean that the employee would be entitled to a redeployment search period of between 4 and 12 weeks depending on their length of continuous service (instead of the current 13 week period). The other main change is that there would no longer be a 1 week Service search, with a Council wide search applying over the employee's period of notice. Therefore, the redeployment procedure will now comprise 6 key stages (rather than 7), with the existing Stage 2 service search having been removed. It will still be the case that the trial period in a post will not count towards the employee's time on the redeployment register, hence where an employee is undertaking a trial, their redeployment search time and notice period will be extended to provide the balance of notice due where necessary. The above changes would apply to all redeployment cases, both on medical and redundancy grounds. It should be noted that Chief Officers are entitled to 3 months' notice hence they would all receive a redeployment search period of that duration.

Reason for the Proposed Change

It is considered that the present 13 week redeployment search period is too long, in particular in relation to cases of redundancy. For instance in a redundancy exercise, once formal redundancy consultation has been undertaken over either 30 or 90 days depending on the number of employees involved, an employer would then issue contractual notice of up to 12 weeks maximum. By having a term in the redeployment policy providing a 13 week redeployment search in all cases, this means that the Council is obliged to apply this to all redeployees regardless of length of service, thus potentially increasing employment costs. The proposed change to applying the notice period only, subject to a 4 week minimum, should therefore assist the Council in the control of employment costs at the same time providing a reasonable length of

time for a redeployment search, in particular for longer serving employees. This should still provide employees with an opportunity to identify a suitable alternative post assuming availability of a vacancy at the time of the search.

6. IMPACT

The implementation of this revision to the Redeployment Policy and Procedure, although a slightly less favourable provision, should have a relatively minimal impact on employees, in particular the longer serving employees, with a reasonable length of a redeployment search period still provided. It is anticipated, however, that the number of potential redeployment opportunities at this time will be limited bearing in mind the difficult financial position the Council is currently in and employees may have false hopes of securing an alternative position. The proposal may therefore encourage employees to focus their efforts on searching for alternative employment outwith the Council as well as within, to increase the chances of finding another post.

7. TRADE UNION COMMENT

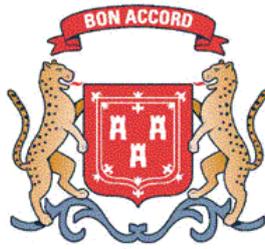
Comments were received from Unison and GMB during the consultation. Both unions indicated their dissatisfaction to the proposal.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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ABERDEEN
CITY COUNCIL

**REDEPLOYMENT POLICY &
PROCEDURE**

***"RETAINING SKILLS AND
ABILITIES"***

Issue 3 (Feb 2011)

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SECTION 1: POLICY STATEMENT

Introduction

Aberdeen City Council is committed to good employment practice and recognises the need to maintain a skilled and experienced workforce.

Having the right people in the right place at the right time is critical to the success of the Council and to help us achieve our objectives. This Redeployment Policy can help by retaining the skills and competencies of our employees, many of which are likely to be transferable.

The Council also has a legal duty to protect its 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 becomes disabled.

The aim of this procedure is therefore to provide a best practice, fair and consistent approach to finding suitable alternative employment for those in need of redeployment.

SECTION 2: WHEN DOES THIS POLICY APPLY?

This Redeployment Policy and Procedure will apply in the following circumstances:

- **Redundancy** – as a result of a committee approved budget reduction exercise or a committee approved restructure.
- **Medical/Disability** – on receipt of clear and indicative medical reports from the Council's occupational health provider.

SECTION 3: SCOPE AND ELIGIBILITY

Scope and Eligibility

This procedure applies to all permanent employees* of Aberdeen City Council whose employment is at risk due to one of the reasons outlined above.

This procedure also covers teaching staff to whom the Compulsory Transfer of Teaching Staff policy does not apply i.e. teaching staff recommended for redeployment to an alternative role. Further information on the Compulsory Transfer of Teaching Staff policy is available within the Local Conditions of Service for Teachers.

This procedure does **not** apply to employees on fixed-term contracts. All employees with contracts for 51 weeks or less should be managed using the Temporary Workforce Policy.

***Permanent employees are defined as those contracted to work for 52 weeks or more and who therefore have permanent employment status.**

SECTION 4: CORE PRINCIPLES

Core Principles

- Aberdeen City Council values its employees and will take all reasonable steps to protect their security of employment.
- The Council will comply with its duties under the Equality Act 2010 where an employee becomes disabled, and is deemed through professional medical assessment to be no longer able to carry out their job.
- The term 'redeployee' is used throughout this document when referring to an employee on the Redeployment Skillsbank. The use of this term does not change the employee's employment status.
- Redeployees will have the opportunity to be accompanied by a trade union representative or work colleague at redeployment meetings (except interviews resulting from Stage 3 of the procedure). There is no right to be accompanied by a legal practitioner.
- The Council will suspend its recruitment and selection processes when assessing an employee for redeployment. Where appropriate, the Council will also consider reasonable training and management support to help an employee meet the requirements of a particular role.
- Every reasonable effort will be made to find suitable alternative employment; however this cannot be guaranteed and in cases where the redeployment process is unsuccessful, this procedure will result in the employee's contract of employment with the Council being terminated (see Stage 4).
- Redeployment matters will be dealt with promptly, sensitively and confidentially.

- Throughout the procedure, special allowances will be made for employees with a disability and to those whose first language is not English or who have difficulty expressing themselves.
- Managers and employees are expected to fully engage and co-operate with the redeployment process. Employees should be as flexible as possible during the search for suitable alternative employment in order to maximise their chances of success.
- The aim of this procedure is to redeploy employees into roles as compatible with their existing terms and conditions as possible and employees will not normally be redeployed into a higher graded job, except in exceptional circumstances.
- The procedure will be applied in line with national and local conditions of service and statutory requirements, except where protection arrangements apply when the agreed provisions will be applied. However, in all other respects, the terms and conditions of the job into which the employee is being redeployed will apply (e.g. holidays and hours of work).

SECTION 5: THE REDEPLOYMENT PROCEDURE

The redeployment procedure consists of **6 key stages**.

- Stage 1 – Informing and meeting with the employee**
- Stage 2 - Starting the corporate search for redeployment**
- Stage 3 - Searching for suitable alternative employment**
- Stage 4 - The trial period**
- Stage 5 - The final review meeting**
- Stage 6 – Right of appeal**

Stage 1 – Informing and meeting with the employee

The line manager will discuss the grounds for redeployment with an HR representative and write to the employee to invite them (and their representative if requested) to attend a meeting. The purpose of this meeting will be to discuss the circumstances that have led to the recommendation or identified need for redeployment.

At the meeting, the employee will be given the opportunity to respond and the line manager will consider any points raised. The outcome of the meeting will be confirmed to the employee in writing.

Stage 2 - Starting the corporate search for redeployment

Once it is clear that the redeployment procedure is to be applied, and the employee is committed to engage with this process the HR representative and the employee's line manager will meet with the employee (and their representative if requested) at the earliest opportunity. Please note that in order to quicken the process, this meeting can be undertaken immediately after the Stage 1 meeting, with the same parties present. The meeting will cover:

- **Completion of Redeployment Profile**

In conjunction with their HR representative, the employee will complete a Redeployment Profile which will detail their qualifications, skills and competencies. The Redeployment Profile will also identify training needs and outline restrictions on duties or working arrangements (e.g. due to medical reasons or caring responsibilities).

Employees will be required to sign the Redeployment Profile to confirm that the content is correct as this will define the parameters of the subsequent redeployment search.

Employees will be required to provide supporting information in respect of **each job** they wish to be considered for in order to demonstrate how they meet the criteria for a particular post.

- **Redeployment Skillsbank**

Employee details will be added to the Redeployment Skillsbank and they will be notified of new and current vacancies.

The Redeployment Skillsbank will be available on the Zone and will hold a summary of redeployees' qualifications, skills and competencies.

This information will be considered by recruiting managers before vacancies are advertised. It will not include any personal details or reasons why redeployment is sought.

- **Duration of redeployment search**

The search for suitable alternative employment will take place over an employee's period of statutory notice but will be for a minimum of 4 weeks. Please note that an employee is entitled to 1 week's notice for each year of continuous service up to a maximum of 12 weeks. This applies to all employees in need of redeployment, except Chief Officials who are entitled to 3 months' notice hence would receive a redeployment search period of that duration and Teaching staff who have separate notice provisions. The search period begins on the day following the date of the letter confirming the redeployment arrangements and issuing the employee with notice.

- **Defining suitable alternative employment**

Suitable alternative employment will be determined according to pay, location, status, working environment and hours of work along with any restrictions which require to be taken into account and which are outlined in the employee's Redeployment Profile.

The Council's normal recruitment and selection processes will be suspended when assessing an employee for redeployment and recruiting managers must consider the employee's **potential** to meet the essential criteria for a particular job i.e. whether they could meet the essential criteria with a reasonable amount of training and management support.

- **Refusal of an offer of suitable alternative employment**

Suitable alternative employment will be sought and offered according to the information in the employee's Redeployment Profile and every reasonable effort will be made to accommodate any restrictions.

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 and may apply for any vacancy as an internal applicant up to the end of their notice period; however no preferential treatment will be given and support from HR will cease. The employee's details will also be removed from the redeployment skillsbank.

- **Temporary duties for redeployees**

Where required, and subject to any medical restrictions, reasonable efforts will be made to identify appropriate temporary duties whilst the corporate search for suitable alternative employment is undertaken.

- **Confirming the redeployment arrangements**

The redeployment arrangements will be confirmed in writing to the redeployee within **5 working days** of them meeting with their HR representative. The letter will include:

- An overview of the redeployment procedure.
- Start and end dates of the redeployment search period which comprises the employee's statutory period of notice, subject to a minimum period of 4 weeks (separate notice provisions apply to Chief Officials and to Teaching staff).
- The effective date of termination in the event that suitable alternative employment is not secured.
- Confirmation that notice of termination will be withdrawn if suitable

- alternative employment is secured.
- Confirmation that if termination is on grounds of redundancy, the employee will receive a statutory redundancy payment provided they meet the qualifying conditions and have not unreasonably refused an offer of suitable alternative employment.

Stage 3 – Searching for suitable alternative employment

Managers' responsibilities

Before arranging for a vacancy to be advertised, managers will check the Redeployment Skillsbank and consider the suitability of all redeployees. A vacancy will **only** proceed to advertisement once it has been established that it does not provide any redeployee with a suitable alternative employment opportunity.

Managers must also fully engage with the procedure where redeployees attend redeployment interviews and provide appropriate training and management support during trial periods.

Redeployees' responsibilities

Redeployees will be expected to fully engage with the redeployment process and be as flexible as possible in their search for suitable alternative employment in order to maximise their chances of success.

They should regularly check the Council's job pages and/or vacancy bulletin for suitable alternative employment and any potential opportunities identified should be brought to the attention of their HR representative as a matter of urgency.

Redeployees are also expected to fully co-operate in any training programmes and/or temporary duties which are identified.

HR responsibilities

HR will co-ordinate the redeployment process, maintain regular contact with the redeployee and ensure that the redeployee's line manager is updated with their progress.

HR will bring suitable vacancies to the redeployee's attention, including those sourced from partner organisations with whom the Council has reciprocal arrangements.

HR will also be responsible for identifying relevant training opportunities and sourcing temporary duties where these are required.

Suspending the recruitment and selection process

Where a redeployee meets or has the potential to meet the essential criteria for a job with a reasonable amount of training and management support, they will normally be considered **before** the vacancy is advertised.

So that all reasonable steps are taken to protect the employment of our existing workforce, redeployees will also be given preferential treatment over external applicants. In cases where a vacancy has already been advertised, the recruitment and selection process will be suspended whilst redeployees are given first consideration.

A competitive recruitment situation will only take place where more than one redeployee may be suitable for a particular vacancy.

The redeployment interview

Where a redeployee meets the essential criteria for a job or may do so with a reasonable amount of training and management support, they must supplement their Redeployment Profile with additional supporting information (this is required for **each job** they wish to be considered for).

This information will be sent to recruiting managers and where they agree that the redeployee meets or has the potential to meet the essential criteria for their vacancy, with a reasonable amount of training and management support, a redeployment interview will be held.

If redeployment is required on medical or disability grounds, advice should be obtained from the Council's occupational health provider on the suitability of the duties **prior** to interview.

If the redeployment interview is successful, the employee will normally begin a trial period, subject to a satisfactory medical and Disclosure Scotland check (where required), noting that timescale for receiving these will **not** count towards a redeployee's time on the Redeployment Skillsbank. A Fitness for Work Declaration should also be provided for appropriate jobs.

Where the redeployment interview is unsuccessful, the recruiting manager will provide written feedback and the redeployee will be advised accordingly.

Stage 4 - The trial period

Duration

The trial period will normally last for **4 weeks** and any variations to this timescale must be agreed in conjunction with HR. The redeployee's time on the Redeployment Skillsbank will be suspended for the duration of the trial

period and this will **not** count towards their redeployment search time, hence their notice will be extended to provide the balance of notice due, where necessary.

Pay

The redeployee's original employing service will continue to pay their salary during the trial period and this will be paid at the rate of their substantive job.

Conditions of employment

The terms and conditions of employment of the job into which the redeployee is undertaking a trial period, will normally apply.

Development and review

At the start of the trial period, the recruiting manager will agree a development plan with the redeployee and meet with them on a weekly basis to review progress and consider any additional training or support which may be required. The recruiting manager will also meet with the redeployee at the end of the trial period to confirm whether this has been successful.

Where the trial period is successful

Where the trial period is successful, the redeployee will be confirmed in the job and appointed on the terms and conditions that apply to the job (except where protection arrangements apply when the agreed provisions will be applied). However, in all other respects, the terms and conditions of the job into which the employee is being redeployed will apply (e.g. holidays and hours of work).

Where the trial period is unsuccessful

Where the trial period is unsuccessful, the redeployee will return to the Redeployment Skillsbank for the **balance** of their notice period and suitable alternative employment will continue to be sought under Stage 3 of the procedure.

Notice of termination will be withdrawn if suitable alternative employment is found prior to the end of their notice period.

Stage 5 – The 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 during the employee's notice period this will result in the redeployee's contract of employment with the Council being terminated.

Statement of grounds for action and invitation to meeting

The redeployee will receive a letter inviting them to attend a meeting which will explain that dismissal is being contemplated due to suitable alternative employment not yet being found. The letter will also explain that the purpose of the meeting is to review progress and identify whether any alternative action can be taken to avoid the dismissal occurring.

Meeting

The final review meeting will take place in the last week of the redeployee's notice period and will be chaired by a relevant Service Manager (or above). The chair will be supported by an HR Adviser.

The redeployee will be given an opportunity to respond and may be accompanied by a trade union representative or work colleague if they wish. The redeployee's line manager will also attend to present an overview of the case.

Following the meeting, the chair will confirm the outcome of the meeting to the redeployee in writing.

Appeal

If the Chair has decided to proceed with the dismissal, the letter will notify the redeployee of their right of appeal.

Stage 6 - Right of appeal

A redeployee has the right of appeal against the decision to terminate their employment and can choose whether to have their appeal heard by a Director or through the Council's Appeals by Employees Committee.

Redeployees must register their appeal in writing, within 10 working days of receiving the written confirmation of the decision to terminate employment, clearly stating the grounds for the appeal within their letter.