

# **DRAFT REDEPLOYMENT SCHEME**

<b>Version:</b>	<b>Version 3</b>
<b>Scheme Ratified by:</b>	<b>Human Resources</b>
<b>Date:</b>	<b>1<sup>st</sup> January 2014</b>
<b>Area Applicable:</b>	<b>All Caerphilly Employees except school based employees unless the School Governing Body has adopted the Scheme.</b>
<b>Review Year</b>	<b>2015</b>
<b>Impact Assessed</b>	<b>Yes</b>



A greener place    Man gwyrdach



## INDEX

CONTENT	PAGE NUMBER
<a href="#">Introduction</a>	3
<a href="#">Scope Of The Scheme</a>	3
<a href="#">Guiding Principles</a>	3
<a href="#">Considering Potential Redundancies</a>	4
<a href="#">Employees at Risk</a>	4
<a href="#">Protection</a>	5
<a href="#">Redundancy Costs</a>	5
<a href="#">Interview Process</a>	5
<a href="#">Trial Periods and Notice</a>	5
<a href="#">Suitable Alternative Employment</a>	6
<a href="#">Career transfer on Medical Grounds</a>	6
<a href="#">Equalities Issues</a>	6
<a href="#">Other Circumstances</a>	6
<a href="#">Training and Development</a>	7
<a href="#">Interpretation Of The Scheme</a>	7
<a href="#">Review Of The Scheme</a>	7

### NOTE

Wherever the designation Manager is used throughout this procedure, it is taken to mean Head of Service, Line Manager, Supervisor, Officer in Charge, Head Teacher or anyone who has supervisory responsibility.

## **INTRODUCTION**

1. Caerphilly County Borough Council is committed to preventing redundancies wherever possible and will explore all other options to avoid redundancies. However, it is recognised that there may be occasions where it is not possible to avoid a redundancy situation.
2. Whenever an employee is in a potential redundancy situation, the Council will always look to help employees transfer their careers into other directions. This Scheme, with the associated Managers' Toolkit, will provide the information and guidance needed.
3. There are other circumstances whereby an employee may be seeking redeployment, for example on medical grounds. The principles of this scheme will also be applied in these circumstances although no redundancy payment will be made, as the employee's post still exists.
4. The aim of this scheme is to:
  - support the Council's strategic objectives of modernising service delivery
  - help meet financial objectives
  - allow the Council to retain employees
  - help employees transfer successfully from one area to another.

## **SCOPE OF THE SCHEME**

5. The Redeployment Scheme applies to any employee where a redundancy situation has been identified. The Scheme applies to all employees entitled to a redundancy payment, i.e. after two years' continuous local government service, irrespective of whether they are on a fixed term or permanent contract. This does not include school based support employees unless the School Governing Body has adopted the Scheme.
6. The Council's recognised trade unions have been consulted on the introduction of the scheme.
7. The effective date of this scheme is 1<sup>st</sup> January 2014. The scheme and guidelines will be used to deal with all career transfer situations.

## **GUIDING PRINCIPLES**

### **Considering Potential Redundancies**

8. If the Council needs to consider redundancies, employees will be advised, as soon as possible, by their Manager. This notification will give the reason for the possible redundancy and the proposals for the Service Area. Employee representatives will also be advised at this time.
9. Heads of Service will seek HR advice from their Business Partner Team as soon as it becomes apparent that they may need to make redundancies. Heads of Service will notify their Business Partner Team of the affected group of employees who are at risk of redundancy as soon as possible after they have been identified as being at risk
10. The Council's Redundancy Selection Criteria will be used to decide who should be selected for redundancy/career transfer. Managers, employees and Human Resources will work together to look for suitable alternative employment for employees who are at risk of redundancy.

11. Heads of Service will notify the employee at the same time and Human Resources will advise the employee, in writing, of the consultation process.

### **Employees at Risk**

12. HR will look for suitable alternative employment for the employees at risk of redundancy as a way to avoid the redundancy.
13. Employees at risk will be contacted by HR to advise them that they will go into the Council's Redeployment Pool. Employees at risk will be served with their period of notice at the same time. The length of time within the Redeployment Pool is based on a period of 12 weeks in the Pool plus contractual notice as per the contract of employment (1 week for every year of service up to a maximum of twelve weeks). The longest period of time that any employee will spend in the Pool is twenty-four weeks.
14. Employees will complete an Employee Profile once they have been identified as being at risk. The Profile highlights their skills, qualifications and experience. This will be used to search for suitable alternative employment. A profile of the employee's job and the competencies required to undertake the post will also be provided to allow an analysis to be undertaken against any posts deemed to be suitable alternative employment. This will allow any necessary training required to be identified. Employees are expected to participate in the process fully, for example completing an Employee Profile and actively looking at the vacancies that are circulated on a regular basis. Employees who do not actively participate in the process may lose their entitlement to a redundancy payment.
15. If the post that an employee expresses an interest in involves substantial access to children or vulnerable adults, then this is classed as 'Exempt' under the provisions of the Rehabilitation of Offenders Act 1974. The successful employee will therefore be required to complete a Rehabilitation of Offenders form and disclose any convictions, cautions, bind over orders or charges pending, whether current or 'spent'. If convictions, cautions, bind over orders or charges pending are declared on the Rehabilitation of Offenders form, then a risk assessment (RA1 form) must be completed by the employee and the appointing Manager. If the outcome of the risk assessment is that the employee is not suitable for the post they will not be transferred into that post.
16. Employees in the Redeployment Pool will be provided with a full list of all the current vacancies available to them on a regular basis. Employees may also identify suitable vacancies from those advertised on the Council's intranet. The employee must contact HR immediately if they feel that they may be suitable for a post and wish to express an interest.

### **Protection**

17. An employee expressing an interest in a post of a lower grade will be protected on the monetary value of their current salary for a period of eighteen months if they are successful in obtaining the post. The protection is capped at two grades, e.g. if an employee is a grade 8 and they are transferred into a Grade 6 post, they will be protected on the Grade 8 salary. When the protection period ends, if the employee is still in the post, they will receive the salary for the post, i.e. Grade 6.
18. Salaries are protected for the eighteen-month period but the Council does not protect hours. Therefore if the hours in a post are reduced then the salary protection payment will, also reduce. For example if hours are reduced by 5% then the protected sum will also be reduced by 5%.
19. If an employee expresses an interest in a post of more than two grades below their current grade, they will only be protected for a maximum of two grades for the eighteen-month period. For example, if an employee is a Grade 8 and they express an interest in being transferred

into a Grade 5 post, they will only be protected two grades so they will be paid at the top of a Grade 7 for the eighteen-month period. At the end of the eighteen-month period, they will revert to the top of the Grade 5 post salary.

20. If an employee moves from one transfer position to another within the 18 months protection period and the second transfer offers a lower salary again, their protection will be maintained at the higher amount for the balance of the 18 months protection period. At the end of the 18-month protection period, the employee will be paid at the evaluated grade for the post they have been transferred into.
21. When the protection period ends and the employee moves to the new grade then that becomes their substantive grade. If an employee then wishes to apply for a position that was the same grade as the post that has been deleted they would need to apply in the usual way, as they could not be considered for redeployment into that post.

### **Redundancy Costs**

22. If an employee in the Redeployment Pool undertakes a fixed term contract that comes to an end, and they are entitled to a redundancy payment, the costs will be shared between the original releasing Service Area and the Service Area where the employee undertook the fixed term contract. If the employee undertakes a number of fixed term contracts, the costs will be pro rata'd to the period of time spent in each Service Area.

For example: an employee has 10 years' service in Human Resources and then applies and gets a permanent job in Finance and transfers to that department. After 3 years' in Finance the employee is displaced and goes into the redeployment pool. They are then redeployed to Housing for 2 years on a fixed term contract followed by a Communities First fixed term contract for one year prior to being made redundant as there are no further redeployment opportunities. Then the liability of the redundancy payment would be 13 years redundancy to be paid by Finance, 2 years worth by Housing and 1 year by Communities First. This will limit the liability of each Service Area to the time that the employee spends within their Service Area rather than any one Service Area picking up the total costs of the redundancy payment.

### **Interview process**

23. When an employee, subject to the redeployment procedure, expresses an interest in a post they will have an interview on the condition that they can meet some or all of the person specification or if they can meet the requirements after reasonable training. The purpose is to establish if the post is suitable, taking into account the employee's skills and experience as well as the terms and conditions applicable. Where more than one employee expresses an interest in a post, a competitive recruitment exercise will take place. Managers will look at an employee's transferable skills when looking at their suitability for a post.

### **Trial Periods and Notice**

24. When an employee is transferred into a post there will be a four-week trial period in the new post. During this trial their notice period in the Redeployment Pool will be suspended (i.e. the 'clock will stop').
25. If the post an employee is transferred into is fixed term and is for over a year, employees will be taken out of the Redeployment Pool for the period of the fixed term contract. In this case only permanent redeployment opportunities will be circulated to the employee. Prior to the end of the fixed term contract, the employee will go back into the Redeployment Pool for the full length of time they are entitled to, i.e. 12 weeks plus contractual notice. This will run concurrently with the employee's fixed term contract.

26. When the trial period starts the number of weeks of the notice period is temporarily frozen. Should the trial period be unsuccessful and the employee returns to the Pool then the 'clock will restart' from the point that was reached before the trial period.
27. Trial periods of more than four weeks can be agreed at the start of the trial or any time during the trial where there are considerable training requirements or exceptional circumstances. The Head of Workforce and Organisation Development and the Head of Legal Services must agree this extended trial period prior to the start.
28. Before an employee can commence a trial period in an 'Exempt' post, the appointing Managers must complete a RA2 form to assess the risks of allowing the successful candidate to work with children or adults prior to the receipt of a satisfactory DBS check. If an employee has disclosed any convictions on their Rehabilitation of Offenders form, the Manager must ensure that a RA1 form is also completed. If, after undertaking the risk assessment, the risks are deemed to be too high, the employee will not be transferred into the post. If the risk assessment deems the risk to be low or medium, the employee may be transferred into the post, with or without protective measures being in place. If the employee's trial period is successful, they will then be required to complete a DBS form in the normal way.
29. Human Resources will contact the employee after two weeks to check on their progress in the post. If the employee successfully completes their trial period, they will be confirmed in the post either on a permanent basis or for the period of the fixed term contract. If the trial period is deemed to be unsuccessful by either the employee or the Manager, the employee will return to the Redeployment Pool for the remainder of their notice period unless another suitable opportunity can be found for them. During this time further career opportunities will be sought.
30. Employees are entitled to a maximum of two trial periods during their notice period in the Redeployment Pool. If these are unsuccessful, the employee will remain in the Pool for the remainder of their notice period and then terminate their contract of employment, with a redundancy payment, on the appropriate date. The reasons for the failure will be explored prior to the employee being terminated. During this period if employees do not have any work to do in their substantive Service Area, they can be asked to undertake work in another area to ensure that they are gainfully employed during their notice period.

### **Suitable Alternative Employment**

31. If an offer of suitable alternative employment is made but the employee unreasonably refuses it, they may lose their right to a redundancy payment. The decision on whether they receive a redundancy payment will be referred to the Head of Workforce and Organisation Development and the Head of Legal Services.
32. Every effort will be made to identify redeployment opportunities for employees within the Pool. Employees will be encouraged to seek opportunities for retraining and career transfer to allow them to gain additional transferable skills.

### **Redeployment on Medical Grounds**

33. Where employees require a career transfer on medical grounds, after advice from Occupational Health, the same process will be followed. However, prior to the employee going into the Redeployment Pool, Managers must have ensured that all possible reasonable adjustments have been considered and made.
34. Please see the separate guidance in the Managers' Toolkit on Redeployment for further information on dealing with medical transfers.

## **Equalities Issues**

35. The Council will make every effort to ensure that employees in the Redeployment Pool are not disadvantaged because of any matter relating to a protected characteristic or other equalities issue as defined by the Council's Strategic Equality Plan.
36. Where HR or the employee themselves have identified a possible suitable post, the Council will ensure that all reasonable adjustments have also been considered in order to allow that employee to be able to apply for that post and undertake the duties if successful. Any such exercise will be done with the relevant Manager to ensure that any transfer meets the requirements of the team as well as the employee being transferred.

## **Other Circumstances**

37. Only employees in true redeployment situations will be placed in the Pool, i.e. employees at risk of redundancy or medical career transfers. Employees can ask to go into the Pool on a voluntarily basis but they must be aware that this will be in line with the timelines above and they will not be able to access any protection arrangements. The period of time that an employee who voluntarily asks to go into the Redeployment Pool spends in the pool will be limited to their contractual notice period. Employees who voluntarily ask to go into the Redeployment Pool will be given prior consideration prior to any advert being placed but this will be after employees in a 'true' redeployment position, Caerphilly Passport Programme participants and ex Remploi employees. If suitable alternative employment is not available, they will have their contracts terminated without a redundancy payment. Employees will not be able to go back to their substantive post.
38. Any employees on Maternity, Adoption or Additional Paternity Leave will be entitled to the same consultation arrangements and consideration as if they were not absent from work. Their rights in terms of redeployment will be those governed by current legislation.
39. Employees who partake in a career break from the Council, may also be transferred into the Pool. For the conditions of this transfer, please refer to the Council's [Career Break Scheme](#).
40. Reservist employees returning from a period of mobilisation may also be transferred into the Pool. For further information on this transfer, please refer to the Council's Time Off For Reservists Policy.

## **Training and Development**

41. All employees who find themselves in the Redeployment Pool will be supported by appropriate training e.g. CV preparation, Interview Skills, etc to help them find suitable alternative employment. The releasing Service Area will meet the cost of this training.

## **INTERPRETATION OF THE SCHEME**

42. In the event of a dispute relating to the interpretation of this scheme the Head of Workforce and Organisation Development or the Human Resources Service Manager will make the final decision on interpretation.

## **REVIEW OF THE SCHEME**

43. A review of this scheme and procedure will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the scheme will be amended and reissued.

JANUARY 2014