



# Redeployment Policy

Human Resources

Approved 25/3/99

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## **Attachments**

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## **1. Objectives**

- 1.1** Redeployment is an option which is offered in a number of the Trust's employment policies.

The circumstances in which it may be considered include:

- a) redundancy
- b) incapability due to ill-health
- c) job sharing
- d) poor work performance

- 1.2** The Trust's Absence Management; Redundancy and Job Sharing Policies refer to situations in which redeployment will be considered. The aim of this policy is to deal, specifically, with the situation where, as a result of applying these policies, it becomes necessary to seek alternative employment for the individual concerned.

- 1.3** Through this policy, the Trust will, as far as possible, retain employees in employment by seeking suitable alternative employment.

## **2. General Principles**

- 2.1** The Trust will make every effort to redeploy employees into posts at the same wage/salary, hours of work, location etc. However, where this is not possible, the employees will be appointed on the relevant terms and conditions attached to the new post and there will be no entitlement to preservation.

- 2.2** The Trust will not be bound to appoint to alternative jobs where there is a clear mismatch between the employee's competencies and the demands of the job. Neither will it be committed to retaining an employee appointed to a new job if, following appropriate training and support, the employee does not meet the required standards of performance.

- 2.3** In a potential redundancy situation, consultation with the trade unions and individual employees will be in accordance with statutory requirements and the Trust's Redundancy Policy. In other circumstances, such as ill-health, poor performance or job sharing situations, the individual will have the right to be accompanied by a trade union or other representative at all meetings arranged to discuss the proposed redeployment.

## **3. Trial Periods – Redeployment on Redundancy Grounds**

- 3.1** In redundancy situations, if an alternative job is offered, employees will have the right to a trial period which will begin when the existing contract ends and will last for a period of not less than 4 weeks. Such alternative employment will be offered on the basis that:

- a) the existing contract of employment has been terminated;
- b) an offer of re-engagement, in an alternative job, has been made before the original contract ends;

- c) the offer takes no later than 4 weeks after the ending of the previous job, although in exceptional circumstances, this timescale may be extended.

- 3.2** If the employee terminates the contract during the trial period or gives notice during the trial period to terminate it and the contract is then terminated, he or she will be treated as having been dismissed when the original contract came to an end. The employee is also treated as having refused the offer of a new job. If the new job was suitable in relation to the employee and the employee acted unreasonably in leaving it, he or she will not be entitled to a redundancy payment. However, if the job was not suitable, or even if it was suitable and he or she was not reasonable in leaving it, the employee will be entitled to a redundancy payment.
- 3.3** If the trust dismisses the employee or gives notice of dismissal during the trial period “for a reason connected with or arising out of the change to the new employment”, then the employee is again treated as having been dismissed when the original contract ended and on the grounds of redundancy. The employee will be entitled to a redundancy payment. “A reason connected with or arising out of” the changed employment would cover the Trust deciding that the employee is incapable of doing the new job or is superfluous to requirements after all.
- 3.4** Dismissal of the employee for another reason – e.g. misconduct – would not be “for a reason connected with or arising out of the change” of job and would simply be a dismissal unconnected with the redundancy situation. Such a dismissal would supersede the employee’s original dismissal for redundancy and he or she would, therefore, not be entitled to a redundancy payment.
- 3.5** If the employee is absent through illness at the date on which the new contract in the alternative post is due to start, the 4 weeks will not commence until he or she returns to work.
- 3.6** To summarise, the possibility of suitable alternative employment requires serious consideration and adequate discussion. Points to bear in mind are that:
  - a) the current contract may already contain a broad enough job title or mobility or flexibility clause for alternative work to fall within the scope of what the employee can reasonably be required to do – and therefore the transfer to new duties can occur without any need for notice or a trial period.
  - b) dismissal should be delayed if it is anticipated that opportunities are likely to occur shortly e.g. due to high turnover or new work orders
  - c) the employee must be given enough information about the alternative job and enough time, to make a sensible decision and should be encouraged to take up a trial period

- d) reasonable efforts must be made to identify suitable vacancies within the Trust. Where a potential redundancy situation is identified, the Head of HR & Payroll may suspend recruitment in appropriate areas, or allow only temporary recruitment into vacancies which may be, potentially suitable alternative employment for the group(s) of employees who may be in a redundancy situation.
- e) the assumption should not be made that jobs which involve a drop in pay or status or which appears less attractive for other reasons will be unacceptable – they must still be discussed with the employee
- f) if the employee leaves or gives notice within the trial period he or she will get a redundancy payment only if the job was unsuitable and/or he or she did not act unreasonably in leaving it
- g) if the employer dismisses the employee or gives notice within the trial period, the employee will get a redundancy payment unless the dismissal is for a new reason unconnected with the fact that he or she is on trial in a new job
- h) employees absent on maternity leave must be considered for suitable alternative employment from the time the job they took leave from is made redundant, until the time at which they exercise the right to return i.e. throughout maternity leave
- i) there is no entitlement to more than one trial period

### **3.7 Extending the Trial Period**

The trial period may be extended in circumstances where extra time is needed for the purpose of retraining. Such extended trial periods must:

- a) be in writing and be made before the employee starts work under the new contract;
- b) specify the date of the end of the extended trial period;
- c) specify the terms and conditions of employment that will apply to the employee after the trial period ends

### **3.8 Notice**

During the trial period, the contract may be ended with or without notice. If notice has been worked out under the original contract, then notice is not due again since the date and reason for dismissal revert to the original termination of the contract. If notice has not been worked (or not been worked in full) under the original contract, then the employee will have full (or the balance of) notice entitlement at the end of the trial period.

#### 4. **Redeployment General**

A part from the Trust's policy on redundancy there are a number of other policies which provide for the possibility of redeployment and these are listed below. Employees redeployed in these circumstances should be provided with a trial period as detailed in Section 3 above.

##### a) **Ill-health/Disability**

In accordance with the Absence Management Policy, prior to taking the decision to terminate employment on the grounds of capability, full consideration will be given to various options which might facilitate return to work including redeployment to suitable alternative duties. While every effort will be made to identify an appropriate job no new job will be created to accommodate such a situation.

Some ill-health situations are sufficiently serious to amount to "disability" in terms of the Equality Act 2010. Alternatively, an employee without experiencing health problems may fall within the definition of "disabled" in terms of the Act.

The Equality Act imposes a duty on employers to make reasonable adjustments and redeployment to a more suitable job is one of the steps the Trust will be required to consider.

If you consider that an employee in your department has a disability which may fall within the definition of the Equality Act and redeployment may be a consideration, you should contact Human Resources for further advice.

Where necessary, in cases relating to disability, advice on the suitability of alternative employment etc. will be sought from the local Placement Assessment and Counselling Team (PACT).

Any employee who considers that they fall within the terms of the Equality Act should contact Human Resources for clarification or support, and, at the same time, notify their Line Manager.

##### b) **Job Sharing**

Job sharing arrangements are provisional upon the full time hours of the job being carried out. Accordingly, where in the event of one job sharing partner leaving the shared post, the remaining sharer does not wish to take the post full time and it is not possible to recruit a suitable replacement, every effort will be made to redeploy the remaining sharer.

##### c) **Poor Performance**

When an employee's job performance is less than satisfactory, the Manager will need to investigate thoroughly and communicate openly and honestly with the employee. If support measures such as training, counselling etc. do not result in necessary improvement, redeployment should be considered before the ultimate decision to terminate the

employment on the grounds of incapability is taken. This procedure will not apply to an employee in a case where he or she fails to come up to standard though his/her own carelessness, inattention, negligence or idleness which relate to conduct and not capability.

d) **Miscellaneous**

- (i) There may be circumstances, out with the terms of existing policies, where an employee could, on compassionate grounds, be allowed to request redeployment under the Trust's Redeployment Policy. Such requests should be directed to the appropriate Manager for consideration in liaison with the Human Resources Manager.

Each case will be considered entirely on its own merits and there will be no automatic application of this policy in circumstance out with its stated limit.

- (ii) Potential redeployment situations will be dealt with, where appropriate, in accordance with the terms of the appropriate policy e.g. Redundancy, Absence Management, Job Sharing.

**5. Procedure**

- 5.1** All employees who are being considered for redeployment must complete a Personal Profile Form **FORM1**, detailing all information about work experience, employment history, skills, etc.
- 5.2** Departmental management should in the first instance, explore the possibility of redeployment within their own department.
- 5.3** When redeployment possibilities within the employee's own department have been exhausted, departmental management should forward standard memorandum **MEM1**, detailing the background to the case to Human Resources, along with the Personal Profile Form **FORM1** completed by the employee.
- 5.4** Human Resources, on receipt of the Department's memorandum and Form **FORM1**, will:
  - (a) consult the internal Vacancy Bulletin to see if any potentially suitable vacancies exist;
  - (b) circulate the details to all Departments. Department must respond within seven working days using **MEM2**. (All vacant posts should be considered).
- 5.5** Following assessment of the Vacancy Bulletin and on receipt of response from Departments, the Human Resources section will forward potential vacancies to the employing Department.
- 5.6** The employing Department should, thereafter, liaise directly with the relevant departments to secure the redeployment. The outcome should be recorded on **MEM3** and forwarded to the Human Resources Manager.

- 5.7** Departmental management shall be under no obligation to fill any vacancy with a displaced employee, however, first consideration must be given to such employees. No other candidates should be considered at this stage. The displaced employee should be interviewed and assessed against the pre-prepared employee specification for the vacant post. Refusal to fill a vacancy with a displaced employee must be based entirely on an objective recruitment process and will take due account of the essential selection criteria appropriate to the vacancy. If redeployment is refused, **MEM3** must be completed, clearly stating the reason for refusal and the areas on which the employee did not meet the specification for the vacant post.
- 5.8** If, having exhausted this procedure, redeployment is not possible, the case will be dealt with in accordance with the appropriate policy of procedure.

**NORTH LANARKSHIRE LEISURE LTD**

**PERSONAL PROFILE**

**Name:**

**Home Address:**

**Telephone No: Home:**

**Work:**

**Mobile:**

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**Training and Qualifications:** Please state your academic and professional qualifications and any other training which you consider relevant to your application.

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**Current Experience:** Please describe any current experience/responsibilities which you undertake and think would be relevant to your application.

**Previous Relevant Experience:** Briefly summarise your previous experience.

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**Abilities, Skills, Knowledge:** List key aspects of your skills, abilities and knowledge.

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**Additional Information:** Include any major achievements, projects you have been responsible for, or any relevant information not covered above.

**Disability/Health:** Are you aware of any aids, adaptations, pieces of equipment or special arrangements that you may require to help you carry out a job? If yes, please provide details

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I declare that to the best of my knowledge, the information given on this form is true and correct.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Tel. No. :** \_\_\_\_\_

**Details of Referees:**

<b>Name:</b>	<b>Name:</b>
<b>Occupation:</b>	<b>Occupation:</b>
<b>Address:</b>	<b>Address:</b>

NORTH LANARKSHIRE LEISURE  
INTERNAL MEMORANDUM

TO: Human Resources	FROM: *** Ask for: *** Ext: ***
Your Ref: My Ref:	Date: ***
Copied to:	Subject: REDEPLOYMENT

A redeployment situation has arisen for the undernoted employee:-

<b>Name:</b> ***	<b>National Insurance No.:</b> ***
<b>Department:</b> ***	<b>Employee No.:</b> ***
<b>Employment Location:</b> ***	<b>Designation:</b> ***
<b><u>Reason for Redeployment</u></b> ***	
<b><u>Other Comments</u></b> ***	

A completed Personal Profile is attached. Please process accordingly.

MEM1

NORTH LANARKSHIRE LEISURE  
INTERNAL MEMORANDUM

TO: <b>Human Resources</b>	FROM: *** Ask for: *** Ext: ***
Your Ref: My Ref:	Date: ***
Copied to:	Subject: REDEPLOYMENT

<b>Name:</b> ***	<b>National Insurance No.:</b> ***
<b>Department:</b> ***	<b>Employee No.:</b> ***
<b>Employment Location:</b> ***	<b>Designation:</b> ***

Further to earlier correspondence regarding the redeployment situation of the above named employee, I can confirm that \*I have examined all vacant established posts within my department and no suitable vacancies exist *or* \*the following vacancies have been identified as being potentially suitable: (\*delete as appropriate)

Division                      Job Title                      Grade                      Contact Name and Tel. No.

MEM2

## INTERNAL MEMORANDUM

TO: <b>Human Resources</b>	FROM: *** Ask for: *** Ext: ***
Your Ref: My Ref:	Date: ***
Copied to:	Subject: REDEPLOYMENT

Further to earlier correspondence regarding the redeployment situation of the undernoted employee, I can confirm the outcome as follows:-

<b>Name:</b> ***	<b>National Insurance No.:</b> ***
<b>Department:</b> ***	<b>Employee No.:</b> ***
<b>Employment Location:</b> ***	<b>Designation:</b> ***
<b>Outcome:</b>	
<b><u>Reason for Refusal to Appoint (if applicable)</u></b>	
***	

MEM3