
Report To:	Policy & Resources Committee	Date:	31 January 2023
Report By:	Head of Organisational Development, Policy & Communications	Report No:	HR/24/22
Contact Officer:	Barbara McQuarrie	Contact No:	01475 712845
Subject:	Redeployment Policy		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to seek agreement to the refreshed Redeployment Policy attached at Appendix1. The Policy has been updated following discussions with the Corporate Management Team and trade union colleagues and aims to ensure the employee implications of service reviews and budget savings can be managed effectively.

2.0 RECOMMENDATIONS

2.1 That the Policy & Resources Committee approve the refreshed Redeployment Policy attached at Appendix 1.

Steven McNab
Head of Organisational Development, Policy & Communications

3.0 BACKGROUND AND CONTEXT

- 3.1 The Council's current Redeployment Policy, which was originally approved in 2009 and updated in 2014, demonstrates the Council's commitment to protecting the employment security of staff as far as possible. The Policy provides an effective redeployment framework which supports the delivery of savings, service reviews and supports employees suffering from ill health to maintain employment with the Council.
- 3.2 Given the scale of the budget challenge ahead it was considered appropriate to undertake a review of the existing redeployment policy to ensure it continues to support employees and is fit for purpose. Following discussions with trade union colleagues and members of the Extended Corporate Management team, a few minor updates have been made to the existing policy.
- 3.3 The Redeployment Policy has been refreshed to reflect good practice and support the workforce planning challenges currently faced by the Council. The key aim of the refreshed policy is to manage workforce change effectively and avoid compulsory redundancy where practicable.
- 3.4 The key change to the existing Policy is in relation to temporary employees and there is now greater flexibility to support the retention of existing temporary employees where temporary contracts are coming to an end. The updated policy provides greater scope to extend the redeployment search period for temporary employees. This approach will potentially assist the Council in addressing some of the recruitment and retention challenges it currently faces.
- 3.5 The refreshed Policy reaffirms the Council's commitment to avoid compulsory redundancies where practicable. Where employee(s) are displaced from their job(s), have gone through the redeployment process without success and do not wish to opt for voluntary severance, the Policy confirms that a report will be prepared for the Policy and Resources Committee to advise of the position and to seek authority to make a displaced employee or employees compulsory redundant.

4.0 PROPOSALS

- 4.1 It is proposed that the Policy & Resources Committee approve the refreshed Redeployment Policy attached at Appendix 1.

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial		X	
Legal/Risk	X		
Human Resources	X		
Strategic (LOIP/Corporate Plan)		X	
Equalities & Fairer Scotland Duty	X		
Children & Young People's Rights & Wellbeing		X	
Environmental & Sustainability		X	
Data Protection		X	

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
N/A					

5.3 Legal/Risk

There are potential legal implications which may be associated with individual cases of redeployment. Legal Services will be consulted in more complex cases to minimise any risk to the Council.

5.4 Human Resources

The recommendations in this report will support the retention of existing temporary employees and workforce planning arrangements and ensure the employee implications of service reviews and budget savings can be managed effectively

5.5 Strategic

The report helps deliver Corporate Plan Organisational Priority 10 – to develop motivated, trained and qualified employees that deliver services that meet current and anticipated service needs.

5.6 Equalities and Fairer Scotland Duty

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

X	YES – Assessed as relevant and an EqIA is required.
	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision: -

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty.

5.7 Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

5.8 Environmental/Sustainability

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

5.9 Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 CONSULTATION

- 6.1 The trade unions are supportive of the changes to the redeployment policy outlined in the report.

7.0 BACKGROUND PAPERS

- 7.1 None.

Organisational Development, Policy & Communications

REDEPLOYMENT POLICY

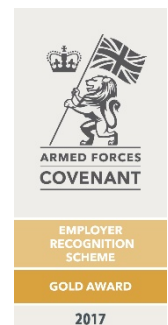
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DOCUMENT CONTROL

Document Responsibility		
Name	Title	Service
	HR Team Leader	Organisational Development, Policy & Communications

Change History		
Version	Date	Comments
1	15 th December 2009	Policy and Resources Committee
2	9 th November 2010	Updated to reflect changes in pay protection.
3	20 th December 2012	Updated to reflect changes in SPPA guidance and the approved Temporary Employee Protocol
4	20 th May 2014	Removal of excess travel payments
5	October 2022	Updated to reflect changes to redeployment of Temporary Employees
6	December 2022	Considered by CMT

Distribution		
Name/ Title	Date	Comments
Corporate Directors, Heads of Service, Trade Unions, & ICON	7 th June 2010	Circulation of approved document
ICON	9 th November 2010	Version 1 replaced with Version 2 on ICON
HR Contact List, Trade Unions & ICON	9 th January 2013	Version 2 replaced with Version 3 on ICON
ICON	10 th May 2018	Updated to reflect changes to protection arrangements for health related redeployments

Distribution may be made to others on request

Policy Review		
Review Date	Person Responsible	Service
2026		Organisational Development, Policy & Communications

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1 POLICY STATEMENT

- 1.1 The Council is committed to protecting the employment security of staff, as far as possible, by planning effectively to meet current and future staffing needs. Where, however, a situation arises which results in an employee not being able to continue in the role they were originally engaged to fulfil (e.g. illness, capability, redundancy, or restructuring), it will seek to support an individual to maintain employment with the Council in so far as this is consistent with the individual's wishes and the Council's requirements.
- 1.2 The Council recognises that an effective redeployment framework can support the delivery of savings and service reviews through redesigning structures; making best use of existing skills and reducing release costs; through the assessment of transferable skills and competencies, assisting at risk employees find a "positive destination" .

2 POLICY OBJECTIVES

- 2.1 To provide fair and consistent consideration of an employee who is subject to redeployment and to ensure that the Council is fulfilling its legal obligations,

3 REASONS FOR REDEPLOYMENT

3.1 Redeployment within the Council may be necessary as a result of one of the following:-

a. Capability

➤ Medical grounds

Changes in the employee's capability of carrying out their remit. This will include employees considered as being disabled under the terms and conditions contained in the Equality Act 2010'

➤ Performance Issues,

Where compulsory redeployment is the outcome of a formal process.

b. Redundancy

c. Efficiency of the Service

(where there is no redundancy situation but there would be efficiency improvements resulting from the retirement).

d. Displacement due to budget savings, restructures, job redesign

Selection for redundancy will be in line with the Council's Voluntary Severance Policy.

e. Some Other Substantial Reason (SOSR)

For example it is recognised that personal relationships with colleagues can deteriorate or that circumstances outwith the work environment can adversely affect an employee's ability to function in the job.

To be included on the Redeployment Register for SOSR a report into the circumstances would be required, e.g. a recommendation through the Council's Dignity & Respect at Work Processes. This would also need to be approved by the Head of Organisational Development, Policy & Communications and the relevant Head of Service.

4 STAFF COVERED BY ARRANGEMENTS

The following Council staff are covered by this Policy.

4.1 **All permanent employees of the Council.**

4.2 **Temporary Employees as Detailed Below**

For temporary employees (as defined in the Temporary Employee Protocol), who are due to be terminated, redeployment to a suitable alternative position or vacancy will be sought in accordance with the undernoted arrangements. Temporary teachers will be dealt with in terms of the relevant Local Negotiating Committee Teachers (LNCT) and Scottish Negotiating Committee Teachers (SNCT) provisions. There can be no guarantee that a suitable alternative position will be found and, if not, this will result in the termination of employment in the normal manner, and with notice in accordance with contractual entitlement.

- a. < 2 years service – Redeployment Register checked, at employee or managers request for up to a 6 week period, to be agreed between Head of Service and HR, but ending no later than the contractual notice end date.

Management must advise the employee, in accordance with the Temporary Employee Protocol, that the end of a fixed term /temporary appointment is being considered and the reasons for this. The employee must be invited to a meeting with management to discuss the circumstances, to establish whether the contract might be extended or whether there is any alternative work the employee could do.

If no suitable alternative vacancy found then the employee's dismissal shall take effect – if suitable redeployment found and agreed to by the employee then existing contract will be terminated by mutual consent, in writing, and subsequent offer of employment in new role offered at rate for the post (no salary protection consideration).

- b. >2 years service – Redeployment Register checked at employee or manager's request for up to a 12 week period, to be agreed between Head of Service and HR, but ending no later than the contractual notice end date.

Management must advise the employee, in accordance with the Temporary Employee Protocol, that the end of a fixed term /temporary appointment is being considered and the reasons for this. The employee must be invited to a meeting with management to discuss the circumstances, to establish whether the contract might be extended or whether there is any alternative work the employee could do.

If no suitable alternative vacancy found then the employee's dismissal shall take effect and the contract terminated with redundancy payment, in redundancy situation – if suitable redeployment found and agreed to by the employee then existing contract will be terminated by mutual consent, in writing, and subsequent offer of employment in new role offered at rate for the post (no salary protection consideration).

Notwithstanding the above, the Council may exercise discretion in exceptional circumstances (Head of OD, Policy & Communications in consultation with Chief Financial Officer & relevant Head of Service) e.g where any employee with over 2 year's temporary service is to be displaced and face a "redundancy" situation and where an alternative post is sourced but at a substantially reduced grade. In such cases employees may be eligible for salary protection up to a maximum of 1 year.

Managers are advised of Temporary Employees anticipated contract end dates by HR on a quarterly basis.

- 4.3 Teachers will only be covered where the following are not applicable: LNCT 15- 'Future Provision - School Accommodation Staffing Policy', 'Scottish Schools (Parental Involvement) Act 2006' and 'Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007'.
- 4.4 The Scottish Teachers' Superannuation Scheme (SPPA) circular 09/2012 referring to redeployment on the grounds of ill health for Teachers may apply. Details of the process to be followed is explained in the Council's Redeployment Guidelines.
- 4.5 Redeployment is a reasonable adjustment under the Equality Act 2010. If there are no reasonable adjustments that would enable a disabled employee to do their current job, employers must look for suitable alternative vacancies to which the employee can be transferred.

5 TERMS OF REDEPLOYMENT

- 5.1 Redeployment will be looked for with reference to the following terms and conditions, subject to paragraph 2 in respect of Temporary Employees:-
- (i) Consideration will only be given to an employee whose circumstances are as detailed in sections 3 and 4 of the policy.

- (ii) Organisational Development, Policy & Communications will keep a central Redeployment Register. Consideration will be given to temporarily placing individuals in temporary posts in the interest of utilising an employee's skills, improving the skills base of an employee, and as a consequence positively affecting absence levels. Employees receiving retraining of some description not with their own service will, however, continue to be paid by their own service.
- (iii) Where an employee is included in the Redeployment Register on health grounds a search for a suitable alternative role will commence within their current service, then directorate.
- (iv) A suitable alternative post has to be a substantive, temporary or fixed term vacancy - established post i.e. a post is not created to accommodate an individual.
- (v.) Pregnant Employees who have actually commenced their maternity/family leave; or Shared Parental Leave/Adoption Leave who are selected for redundancy, special provisions apply to them. They must be given first refusal on any available suitable alternative.
- (vi) A suitable alternative employment opportunity may be at a lower, or similar salary level. Where an employee can demonstrate to management that they meet all essential criteria of a vacant higher salaried post then this may be considered. The job description and person specification for the vacancy will be the factors which determine if there is the possibility of a match. The associated remuneration package is not a determining factor, although any salary differential would have to be "reasonable" as determined by the Head of Organisational Development, Policy & Communications.
- (vii) Offers of redeployment will be made at the salary rate attached to the post. Protection in terms of conditions of service and 1 year's salary protection will apply where redeployment occurs due to reasons of restructure, redundancy or for health reasons when recommended, by the Council's Occupational Health Adviser, as essential. Further details can be found under section 7.
- (viii) The redeployment will be subject to consultation with the relevant Head of Service. Should a vacancy be considered appropriate then the employee to be redeployed may be considered without recourse to the advertising process or on a restricted basis (i.e. when limiting leeting to a retriected pool and not advertising competitively, with other employees on the Redeployment Register) and slotted in where they meet the essential criteria for the post. Individuals alternatively may be interviewed as part of the normal recruitment and selection process, depending on the circumstances of the post and subject to agreement by the Head of Organisational Development, Policy & Communications and relevant Head of Service.

- (ix) The authorised signatory of a 'Request to Advertise' form should consider all requests to advertise a post as potential redeployment opportunities, and, therefore, ensure that the central Redeployment Register is considered prior to the authorisation to advertise a vacancy. A suitable candidate for the vacancy found on the Redeployment Register may circumvent the traditional recruitment and selection process at any stage prior to having made an offer of employment to a candidate.
- (x) In determining the suitability of any offer of alternative employment, cognisance will be taken by HR and the appointing Head of Service of the following factors: pay; status; location; working environment; hours of work; job description; person specification.
- (xi) Any offer of alternative employment will be subject to the Council's safer recruitment practices e.g entitlement to work in UK check, references, PVG check, Pre- Employment Health Check.
- (xii) The redeployment will be subject to a four week trial period during which time the employee and the new service will be able to assess the suitability of the transferee. In the event of either party - employee or service - considering the alternative as unsuitable the reason offered should be captured in writing and reported to the Head of Organisational Development, Policy & Communications. Where the reason is agreed by the Head of Organisational Development, Policy & Communications as a justifiable one, the employee will return to the Redeployment Register and remain attached to their substantive service.
- (xiii) An employee who rejects the offer of redeployment, which is considered a reasonable match by the Head of Organisational Development, Policy & Communications, without good reason may result in their dismissal taking effect subsequent to the employee having, in the view of the Head of Organisational Development, Policy & Communications, unreasonably refused the offer of a suitable alternative post. Employees will be given 2 working days to consider an offer. The Head of Organisational Development, Policy & Communications has discretion to extend the two day period for acceptance in appropriate cases.

When determining whether a suitable offer of redeployment has been made, a variety of factors require to be considered including rate of pay, duties of the job, location, any family friendly issues. The deciding factor will be where an employee has no justifiable reason for refusing a job that the employer deems a suitable alternative offer of employment.

- (xiv) Where possible, the period on the Redeployment Register will be determined at the outset. In determining the period for redeployment, consideration will be given to a number of factors, eg. the remaining sickness allowance of an employee, the expiry date of the existing contract of employment, how long a service can maintain an employee on redeployment who may be on restricted duties or work placement. Where staff are displaced as a result of a service review /budget saving the custom &

practice for employees is a maximum of 12 weeks and will be agreed by Head of Service and HR, in consultation with Trade Union, Budgetary and financial constraints will also be a key determining factor when deciding on the period for redeployment. For example, when the Council carries out its annual budget review, or where redundancies are necessary, redeployment periods will be determined based on the financial circumstances of the Council at that time.

Financial liability will remain with employing service up until the beginning of the trial after which it is new service. If trial does not work out liability returns to employing service. There have been occasions however e.g if a funded post, where the new service has agreed to meet, where applicable, half salary protection costs.

Depending upon the circumstances, a time period for employees of up to 6 months (inclusive of notice period) will be set for redeployment at the point of the redeployment process commencing. This timescale may be extended in exceptional circumstances for an additional 6 months (for example, due to serious health issues) by the Head of Organisational Development, Policy & Communications and relevant Head of Service.

If no suitable alternative employment is found then the employee's dismissal will take effect and the contract of employment will be terminated at the end of the redeployment and notice period.

- (xv) Restructure -.In circumstances in which post(s) have been removed from the organisational structure as a result of organisational change the employee(s) in the post(s) find themselves in a displacement situation.

Where more than one employee is affected by an organisational change and all options under the voluntary redeployment and voluntary severance routes are entirely exhausted, the Council will identify which employee is displaced by applying the Displacement Selection Criteria Matrix. Details are contained in the Voluntary Severance Policy., and the employee will be placed on the Redeployment Register.

- (xvi) The Council will attempt to avoid compulsory redundancy where practicable but where an employee(s) are displaced from their job(s), have gone through the redeployment process without success and do not wish to opt for voluntary severance, then a report will be prepared for the Policy and Resources Committee to advise of the position and to seek authority to make a displaced employee or employees compulsory redundant. Any severance payment made will be the same that is offered under voluntary severance. All appropriate notice periods will apply.
- (xvii) Retraining will be available within reasonable boundaries, that is to say with reference to previous experience, qualifications already gained, time and cost constraints. This process should be considered immediately and is the responsibility of senior management within the transferee service to instigate.

6 PROCESS

- 6.1 The operational process for redeployment is expressed in the Redeployment Guidelines. An Employee Information Pack on Redeployment is issued to employees at the point they are included on the Council's Redeployment Register.

7 OTHER CONDITIONS

- 7.1 Where an employee, has been redeployed as a result of a service restructure/ redundancy situation the following additional conditions will apply: -
- (i) Where the alteration results in a move to a post which has earnings lower than the employee's previous salary then a Certificate of Material Change will be issued. This certificate has the effect of protecting pension rights for a period of ten years, by recognising the employee's most advantageous salary arrangements over the prescribed period.
 - (ii) Where the alteration results in a move to a post which has earnings lower than the employee's previous salary then pay protection on a cash conserved basis will apply for up to one year.
- 7.2 The Certificate of Material Change detailed in paragraph 7.1 (ii) above will also be applicable to employees who have been redeployed due to the ill health criteria, as outlined by Strathclyde Pension Fund Scheme and whose earnings are now lower than their previous salary.

8 RIGHT OF APPEAL

- 8.1 Where a dismissal is due to the expiry or termination of a temporary/fixed term contract, then the right of appeal is one internal stage and to a Corporate Director (or nominated senior officer not previously involved). For all other dismissals, the right of appeal will be to the Human Resources Appeal Board or HR Appeals Panel (Officers), for absence related dismissals
- 8.2 An employee who is of the opinion that their circumstances have been considered unfavourably can raise a grievance using the Council's Grievance Procedure, subject to the terms of that Procedure.