

Redeployment Policy

From: Human Resources

Date: 07 October 2020

POLICY INTENT

The University recognises the contribution of all staff to delivering its strategy. It is committed to maintaining staff in employment where this is consistent with its overall strategy and statutory obligations.

The purpose of this policy is:

- To ensure as far as possible, security of employment for all affected employees
- To ensure a fair and consistent approach is adopted in the management of redeployment
- To retain valuable skills and knowledge within the University
- To provide effective support for affected employees
- To provide clarity on salary protection arrangements

This policy applies to employees who have successfully completed any relevant probation period and whose contract has not already expired or terminated.

LEGISLATION

- Defence Reform Act 2014
- The Employment Rights Act (ERA) 1996 Chapter 18 Part XI Redundancy Payments etc.
- Employment Act (2002)
- Employee Relations Act (1999)
- Trade Union and Labour Relations (Consolidation) Act (1992)
- Equality Act (2010)
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations (2002)
- Maternity and Parental Leave Regulations (1999)
- The Part-time Workers (prevention of Less Favourable Treatment) Regulations 2000
- Paternity and Adoption Leave Regulations (2002)
- Reserve Forces (Safeguard of Employment) Act 1985
- Shared Parental Leave Regulations (2014)

UNIVERSITY POLICY

1. Basis for Redeployment

1.1 Redeployment of employees is the preferred solution, irrespective of contract type:

- Where a potential redundancy situation arises, e.g. as a result of:
 - Organisational restructuring, such that the individual's job no longer exists in its current format.
 - Where there is a reduction or cessation of work – there is a reduced need for the work for which the employee was employed, or the work for which the employee was employed has ceased.
 - Where funding or a specific project is about to cease.

- When, by reason of disability and/or other medical reason, the individual is no longer able to continue in their current role, despite consideration of reasonable adjustments to that role.

1.2 Redeployment does not apply in the following circumstances:

- Where members of staff are seeking a new job or change of career.
- On cessation of a fixed term contract on grounds not relating to redundancy e.g. cover for maternity leave or sickness absence.
- Where members of staff require a Certificate of Sponsorship and visa to work in the UK as the University is not then able to meet the resident labour market test requirement by the UK Visas and Immigration.

1.3 For international staff, an employee will only be redeployed within the country/location they are contracted to work.

2. Suitable Alternative Employment

2.1 A suitable alternative role is one that an employee can reasonably be expected to undertake where:

- The role is broadly similar to the employee's current role or can be regarded as within the same Job Family and Career Pathway, and
- There is no significant difference between the essential criteria of the role (as outlined in the essential criteria of the Person Specification) and the redeployee's qualifications, skills, knowledge and experience, and
- The terms and conditions offered are broadly similar including pay, level of responsibility, hours and location, and
- The employee is able to meet the requirements of the person specification within the trial period and/or with reasonable support or training, and
- The new post causes no significant disruption to the employee's personal circumstances arising out of working arrangements e.g. working hours and location.

2.2 Redeployment opportunities are normally to posts at the same grade. However, due to the redeployee's qualifications, skills, knowledge and experience it may be suitable to consider posts no more than one grade lower or higher than the redeployee's current post. Where a redeployee is considered for a role one grade lower, salary protection as outlined in section 8 would apply. Where a redeployee is considered for a role one grade higher, an interview and/or individual assessment will be required.

3. Redeployment Support

3.1 Responsibility for the redeployee lies with the current employing Department/Faculty and line manager. It is expected that every effort is made to fully explore suitable alternative employment and opportunities for redeployment within the Department/Faculty in the first instance.

3.2 If no suitable alternative employment or redeployment opportunities can be found within the employee's own Department/Faculty, the employee will be eligible to be placed on the Redeployment Register.

3.3 The University operates a Redeployment Register, which enables eligible employees to be informed of and apply for vacancies in their job family at their current grade or one grade lower.

3.4 Access to the Redeployment Register is offered for a maximum of three months or to a known termination date. However, it may be practical to grant access earlier, in consultation with HR.

3.5 Employees are granted reasonable paid time off for the purpose of attending interviews, whether internal or external, and for appropriate training, throughout the Redeployment Period.

- 3.6 An employee who is selected for redundancy whilst on maternity leave is entitled to be offered first refusal of any suitable alternative job, without competitive selection, even if other redeployees are more suitable for the role. HR must be consulted in all cases where an individual is on maternity leave.
- 3.7 The University has an obligation to re-employ a volunteer reservist, regardless of their length of service and contract type, at the end of a period of mobilisation. Where it is not reasonable or practicable for the individual to return to the same job, the individual will be entitled to be offered suitable alternative employment. HR must be consulted in all cases where an individual is returning following mobilisation, please see the [Volunteer Reserve Forces](#) Policy.

4. Redeployment Process

- 4.1 In conjunction with the [RECRUITMENT](#) policy, when a vacancy arises within the University, it is advertised internally and/or externally at the same time to individuals on the Redeployment Register.
- 4.2 Redeployees must apply for suitable vacancies via the Redeployment Register process, and within five calendar days of the role being advertised using the email link provided. In so doing, they are flagged to hiring managers as being redeployees, and therefore eligible for priority consideration. Priority consideration means the redeployee's application being considered prior to the normal selection process.
- 4.3 Redeployees applying for suitable vacancies outside of the Redeployment Register process or application period, will not be given priority consideration and will be in open competition with internal and external applicants.
- 4.4 Exceptionally, should the redeployee be unable to apply within this timescale due to becoming eligible for redeployment after the application period has ended, the redeployee should, at the earliest opportunity, consult with HR. Wherever possible, the redeployee will be given priority consideration against any other applicants. Redeployees cannot be considered once the post has been formally offered to a suitable internal or external applicant.
- 4.5 Where a redeployee has applied for a suitable vacancy as set out in 4.2 hiring managers must consider a redeployee's application before other internal or external applicants. This must happen before any other internal or external applicants are invited to interview. Hiring managers will be unable to progress with the recruitment of their vacancy until all redeployee applicants have been considered, a final decision regarding the redeployee's application reached and this part of the process completed.
- 4.6 Redeployees will be assessed against only the essential criteria for the post as outlined in the essential criteria of the Person Specification, normally without the need of an interview and/or individual assessment based on information provided in their application. A redeployee will be appointed if they demonstrate they have the skills required to carry out the role, or could do so with reasonable training.
- 4.7 Where an employee has been put forward for priority consideration for a post and is not considered to meet the essential criteria for the post or could not meet such requirements with reasonable training, the employee will be given feedback by the hiring manager as to the reasons for not being considered for the post.
- 4.8 If there are multiple redeployees in contention for a post, who meet the essential criteria for the post as outlined in 4.6 above, an interview and/or individual assessment will be required.

4.9 Where a redeployee has been offered suitable alternative employment, they would normally be expected to accept this alternative employment. In most cases, the redeployee would have already identified the position as being suitable alternative employment. However, there may still be some personal circumstances which mean that it is reasonable for the redeployee to refuse it. For instance, change in location or hours of work, that may impact on the redeployee's care responsibilities.

4.10 Where an employee unreasonably refuses an offer of employment, without providing a clear written reason, either at the point the offer is made or during or at the end of any trial period, the University reserves the right to proceed to dismissal in accordance with the relevant procedure, and any entitlement to the provisions of redundancy may be forfeited.

4.11 If no suitable alternative employment can be found at all during the employee's notice period because no such posts are available, then dismissal proceeds on the basis outlined in the policy relevant to the employee's circumstances.

4.12 If an employee accepts suitable alternative employment, they are not entitled to a redundancy payment, if:

- The offer of the new post is made before the end of the current employment; or
- The employment in the new post begins no later than four weeks after termination of the current employment.

5. Trial Periods

5.1 Employees at risk of redundancy have a statutory right to a trial period of four weeks in a suitable alternative role. A trial period may also be used where suitability for the post is disputed or unclear. Budgetary responsibility for costs arising from the trial period will be borne from the receiving School/department.

5.2 Trial periods may be extended beyond four weeks by agreement with the hiring manager and the redeployee in consultation with HR. Any extensions must be confirmed in writing.

5.3 Where a trial period is unsuccessful, if the employee's notice period has yet to expire the employee will return to the Redeployment Register for the remainder of their notice period. Where the period of notice has already expired, employment will be terminated immediately. Notice periods will not be further extended.

6. Disability and/or Other Permanent Medical Condition

6.1 If an employee is unable to continue in their role by reason of disability and/or other medical condition, then they are supported by the [SICKNESS ABSENCE](#) policy. Advice may be sought from Occupational Health with regards to the suitability of redeployment. Where it is determined that the employee may be able to carry out other duties in an alternative post, they will be eligible for redeployment support, normally with a Redeployment Period of up to three months.

7. Transitioning into the New Role

7.1 Where there is a temporary cessation of work (e.g. teaching-only staff, during vacation periods and assessment periods where there is no teaching or due to another factor that may cause a delay to commencing the start of the new post), this gap is disregarded and continuity of employment maintained.

7.2 During the gap between the posts, the employee is normally on a period of unpaid leave or holiday.

8. Salary Protection

8.1 Salary protection is not a legal requirement and to ensure equal pay for work of equal value it cannot be maintained in the long term. Short term protection is available to provide time for staff to accommodate the financial impact of taking up alternative employment at a lower grade.

8.2 Budgetary responsibility for costs arising from salary protection will be borne from the employee's original School/department.

8.3 Salary protection will only apply in the following circumstances:

- Where an employee accepts redeployment to a post one grade lower as suitable employment as an alternative to redundancy.
- Where an employee accepts redeployment to a post one grade lower as suitable employment due to a disability and/or other permanent medical condition. In some exceptional circumstances and where it is necessary as a reasonable adjustment for a disability under the Equality Act (2010), the salary protection period may be extended.

8.4 Salary protection will only apply for a period of one year on the following basis:

- Months 1 to 6 at full protection;
- Months 7 to 9 at 50% protection;
- Months 10 to 12 at 25% protection.

8.5 Salary protection applies only to the base salary for the contractual hours of the former role. Salary protection does not mean the hours of work for the new role must match the hours of work of the previous role. In cases where an employee increase their working hours, salary protection will only apply to their existing contractual working hours. Any additional hours will be paid at the appropriate level for the post. Where an employee is redeployed to a post with reduced hours, salary protection will apply to the number of hours worked.

8.6 On reversion to the lower grade, the redeployed employee will be placed on the spinal point within that grade at the point they would have reached (as a consequence of contractual incremental pay progression) had they been paid at that grade since either:

- The start date of any previous substantive service at the relevant lower grade, or
- The start date of employment if all previous service has been at a higher grade.

Pay protection will be the difference between the protected salary (i.e. the higher-graded salary immediately prior to redeployment) and the new spinal point in the lower-graded role.

8.7 No additional ALLOWANCES, CLAIMED TIME OR UNSOCIAL HOURS PAYMENTS relating to the employee's former role are taken into account when calculating salary protection, and such payments cease with effect from the date of transfer to the new role.

8.8 Salary protection commences from the date the employee transfers to the redeployed post and is paid:

- Until the end of the pay protection period, or
- Until the revised base salary becomes equal to or greater than the protected salary, if this occurs before the end of the salary protection period, or
- Until the redeployed employee is appointed to an alternative post at any point prior to the end of the salary protection period.

8.9 During the salary protection period:

- The employee's pay protection will be eroded by the value of any incremental pay progression or additional increments.
- Any allowances, claimed time or unsocial hours payments relating to the new role are paid in addition to, and do not erode, the salary protection element of base salary.

- When an employee reduces their hours, either on a temporary or permanent basis, the protected amount reduces in proportion to the reduction in hours.
- Where an employee increases their hours, the base salary increases in line with the increased hours worked, and the salary protection continues on the original value of the protected salary, without erosion.

8.10 These provisions apply regardless of whether the change is temporary or permanent.

8.11 HR and Finance must be consulted in all cases of salary protection.

RESPONSIBILITIES

Line Manager

- Will seek to redeploy an employee internally within the department where possible
- Will support the employee in seeking wider suitable alternative employment
- Will meet with the employee to discuss the redeployment policy and agree the start date for the redeployment period
- Will review and approve the redeployment criteria prior to ensuring the employee is added to the Redeployment Register
- Will allow employees reasonable time to prepare for and attend interviews while seeking suitable alternative employment this could include completing applications
- Will facilitate IT access for the employee to view and apply for suitable vacancies
- Will facilitate appropriate support for an employee who requires computer literacy assistance

Hiring Managers

- Will accept a corporate responsibility for University employees by responding positively to requests to consider employees subject to redeployment
- Will offer roles to suitable employees seeking redeployment, or employees who could become suitable with sufficient training during the Redeployment Period, as a priority
- Will provide essential training and support during an agreed trial period
- Will provide feedback and evidence of unsuitability of redeployees on the non-appointment of a redeployee

Employee Seeking Redeployment

- Will frequently review details of current vacancies notified via the Redeployment Register and apply for suitable vacancies
- Will fully consider any reasonable offer of redeployment, with as much flexibility as possible
- Will not unreasonably turn down any offer of suitable alternative employment and Will provide a written confirmation of any decision to decline an offer of suitable alternative employment, explaining why it is deemed not suitable

VERSION CONTROL

Last updated:	29 September 2019		
Consulted:	HR SLT	Date consulted:	06 March 2019
	PSL		27 March 2019
	UEB		15 April 2019
	JPWG		09 July 2019 & 03 September 2019
Date to JJNC:	17 October 2019 & 27 February 2020	Date approved:	27 February 2020
E&D Assessment:	Yes	Date assessed:	02 October 2019
Author:	Kate Walmsley – Employee Relations Policy Specialist		