

# Schools Redeployment Policy

This document applies to Community and Voluntary Controlled Schools, and is advisory for Foundation and Voluntary Aided Schools.

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## SCHOOLS REDEPLOYMENT POLICY

### PURPOSE

The school is committed to attracting and retaining high quality staff and values the skills and experience that they bring. There are a number of reasons why it may be necessary to consider alternative employment for a valued employee, for example, due to a need to reduce staffing levels as a result of changes in funding or reduction in school pupil numbers; due to ill health or disability. This policy provides guidance on the process to follow to consider redeployment where applicable, and covers both teaching and support employees. This policy follows best practice as provided for by ACAS (Advisory, Conciliation and Arbitration Service).

In many cases, potential redeployment occurs as a result of proposals to reduce staffing levels, for various reasons, which may therefore result in proposed redundancies. Employers have a statutory duty to seek to avoid or minimise redundancies whenever possible, and to carry out effective consultation on any proposals and their implementation. This duty includes considering alternative employment whenever that is appropriate. With support from governing bodies, LCC is responsible for ensuring these duties are applied where LCC is the employer. For aided and foundation schools the responsibility lies with the school.

The purpose of this policy is to be flexible and fair to employees whilst at the same time, minimising costs and the impact of potential redundancies, in addition to providing as much security of employment as is practical. This policy acknowledges that redeployment should be considered as the primary alternative within Lincolnshire to the ending of an individual's employment within a maintained school.

It is recognised that employees affected by change have a wealth of experience and expertise that may enable them to continue contributing within the county if opportunities exist for them to do so. Every effort should be made to redeploy employees whose posts are at risk of redundancy into any vacancy for which they are appropriately qualified or could become so if given training. A Redeployment Register exists to support the Redeployment process.

### SCOPE

This policy applies to all employees within maintained schools (including employees on TUPE protected terms and conditions), and where any of the following circumstances apply:

- Employees who are at risk of redundancy because the need to carry out work of a particular kind has or is expected to diminish and/or cease; or the need for work of a particular kind being carried out at a particular location has diminished and/or ceased.
- Employees who are covered by the provisions of the Equality Act 2010 and the consequent duty to consider 'reasonable adjustments' to the workplace environment.
- Individuals requiring redeployment on health grounds as confirmed by the school's occupational health provider.

Staff who fall into one of the 3 categories above are afforded 'at risk' status. Other schools are encouraged to consider those at risk for any possible suitable positions at or below their existing

level; and LCC will consider any at risk staff for alternative employment, at or below their existing level.

This procedure is **not** intended for use in cases of possible redeployment arising out of the application of the Disciplinary Procedure.

The effective operation of this policy will depend on the full co-operation of employees, Head Teachers and Governing Bodies, and the provision of all necessary and relevant information to support decision making. For redeployment to be successfully achieved, employees may be expected to undertake appropriate training and to exercise flexibility in considering suitable alternative employment.

## **REDUNDANCY**

Additional statutory provisions apply where an employee has been identified as at risk of redundancy, or has been issued notice of redundancy, and is seeking suitable alternative employment. In particular, an employee who is under notice of termination of contract on the grounds of redundancy has a statutory right to a reasonable amount of paid time off to look for another job and is entitled to a trial period of a minimum of four weeks where suitable alternative employment is available.

## **DISABILITY**

The Equality Act 2010 requires an employer to make reasonable adjustments to the workplace and to employment arrangements so that a disabled person is not at any substantial disadvantage compared to non-disabled people. Such reasonable adjustments may include considerations of alternative employment. An employee does not have to be registered disabled to be afforded the protection of this legislation.

## **GENERAL PRINCIPLES**

The school wherever possible, with the support of LCC, is committed to offering employment opportunities to enable redeployment candidates to secure an alternative position on the same grade, and to maintain continuity of employment. This commitment includes providing support and training to redeployment candidates where appropriate. Under this policy, a tailored package of training is offered that includes CV writing, applying for jobs, and interview techniques which is made available to all on the redeployment register. Consideration of re-skilling where appropriate opportunities exist will be considered.

The school and LCC require those on the redeployment register to:

- Be reasonable in their consideration of alternative vacancies (not related to their current job title).
- Participate as fully as possible with the redeployment process.
- In addition to the process set out below, redeployees will be expected to register and view the vacancies pages on LCC's website, local and national press and other sources of job adverts on a regular basis to identify any vacancies that they may be interested in applying for.

- Keep the Education Reorganisation Officer updated on job hunting activities.

## REDEPLOYMENT PROCESS

Where a situation develops that an individual or group of staff are likely to be considered for redeployment, all those affected will be consulted about the possibility of job loss at the earliest possible opportunity. This will also include being provided information about the Redeployment Policy. The Education Reorganisation Officer can attend meetings with the group to explain the process and answer any questions relating to the principles of redeploying staff. Individual interviews can also be arranged to discuss collective or individual situations and clarify the support available.

Once confirmation has been received that individuals have received notice of termination of employment, the Education Reorganisation Officer will meet with individuals to work with them to seek alternative employment.

There will be full consultation with employees throughout the process of redeployment. Individuals will continue to be provided with support to seek alternative employment throughout the length of their notice period. If the notice to terminate is overturned by an appeal hearing, seeking alternative employment will cease.

### Application

Schools who have identified employees as potential redeployees will notify the Education Reorganisation Officer about those individuals by completing Form RDP1 Confidential Referral and Reference for each identified employee. Identified employees are required to complete the Form RDP2 Redeployment Application Form. The use of an application process is intended to undertake some of, but not replace, the recruitment activity on behalf of a potential employer. In addition, individuals will therefore have already started to consider their skills, knowledge and experience in preparation for searching and applying for a new job.

### Registration Meeting

The Education Reorganisation Officer will contact the school to arrange initial meetings with each affected employee to discuss the redeployment process, their application for redeployment and to identify actions to be undertaken. The Education Reorganisation Officer will aim to support individuals to move as quickly as possible to find suitable alternative employment which can help to alleviate worry for the redeployee.

At this initial meeting, the redeployee, a Trade Union Representative (if requested) and the Education Reorganisation Officer will meet to discuss and agree a plan. This meeting will take place as early as possible prior to the end of an individual's employment in order to maximise the time available for redeployment.

This meeting will explore the individual's skills, experience and abilities. All parties will discuss the type of post(s) which would be preferred by the individual and any specific area(s) which could be considered unsuitable together with the reasons for this. Willingness to train/retrain will also be discussed, as training may be offered where appropriate. All parties should explore the full range of acceptable types of work so that suitable opportunities are not overlooked. The individual may be offered assistance with such issues as:

- Updating a CV
- Completing an application form
- Interview skills

The individual should be made aware that paid time off will be given for interviews. This is a right afforded to all staff across LCC, LCC schools, and aided and foundation schools.

### Job searches

Redeployees will be required to undertake a job search on a weekly basis through the LCC website, other job vacancy websites and other local and national press. In addition, the Education Reorganisation Officer will encourage schools within the locality to identify potential and existing vacancies that may be of interest to redeployees and will discuss vacancies with schools if requested by the redeployee.

In the case of LCC vacancies, the Education Reorganisation Officer will only approach for further information at the request of redeployees.

### Job Application

Once a suitable vacancy has been identified by the redeployee they will need to complete and submit the recruiting schools or directorate's application form (for Directorate posts this will usually be via the online LCC E-recruitment form) to be considered for interview. Redeployees should tick the 'at risk' box if available or write 'Redeployee' at the top of the form. They will need to notify the Education Reorganisation Officer of their application so that this can be recorded on the Redeployment Register. All school application processes will adhere to the Safer Recruitment requirements, including the need to undertake enhanced DBS disclosures where necessary.

Redeployees are entitled to priority consideration for LCC directorate posts up to and including their current grade for any vacancy where they match the basic requirements, or would do so given suitable training. The Education Reorganisation Officer will be able to advise on the corporate approach to job applications. Redeployees are not entitled to priority consideration for posts at another school; however, in applying for a post at another school, will indicate that they are at a redeployee and actively seeking an alternative post.

The Education Reorganisation Officer will contact a recruiting school if required to discuss the individual's application and can act as a point of contact for both parties during the recruitment process.

### Interviews

The recruiting school will undertake an interview scheduled to take place at a time that is most convenient to the school. The Education Reorganisation Officer can be contacted to respond to any queries arising but will not be involved in the selection process. The school is responsible for informing the redeployee of their decision.

### Offer of Suitable Alternative Employment (SAE)

Individuals will not be put under pressure to accept a role not suited to their skills or their personal circumstances. However staff must be aware that turning down a role which is deemed to be 'Suitable Alternative Employment' (SAE) with no reasonable or objective explanation, may affect their entitlement to a redundancy payment, as detailed in Section 141 of the Employment Rights Act 1996. Individual cases will be assessed by the Education Reorganisation Officer, taking advice where necessary from HR Services.

A role is deemed Suitable Alternative Employment by reference to certain criteria, for example:

- The rate of pay and value of any contractual benefits
- The duties and level of responsibility of the new job
- The status of the new job
- The place of work and its proximity to the employee's current workplace and/or home
- The hours of work and any shift patterns
- The working environment

It should be noted that this is not an exhaustive list.

### Trial Period

Any employee who is under notice of redundancy has a statutory right to a trial period of 4 weeks in a post that qualifies as suitable alternative employment without losing the right to a redundancy payment if, at the end of the period, either party reasonably decides that the position is not suitable. A longer period than 4 weeks can be agreed for retraining purposes, provided the school/LCC and the employee agree this in writing, setting out the date on which the trial period will end. This extended trial period can be for no more than an additional 4 week period, and should be mutually agreed by the employer and employee.

The Head Teacher and the redeployment candidate should work together prior to the start date to develop a suitable induction plan for the agreed trial period to ensure that both the individual and Head Teacher have clear guidelines in place for training needs and objectives to be met.

The redeployee and the Head Teacher/Manager will meet at agreed regular intervals throughout the trial period to assess progress and identify any further training needs. At the end of the trial period the Head Teacher/Manager will meet with the individual to identify whether the trial period has been successful. Where the trial period has been found to be successful, this will be confirmed in writing to the individual.

Where either party has found the trial period in the new post to be unsatisfactory a further meeting will be arranged by the Head Teacher/Manager, with the individual, the Education Reorganisation Officer and trade union representative (if applicable) to discuss the situation. The school will continue to support the redeployee in finding suitable alternative employment through the remainder of their notice period.

### Failure to Apply for or Accept an Offer of Suitable Alternative Employment

Should an employee fail to apply for suitable vacancies, fail to attend an interview or accept an offer of suitable alternative employment, the Education Reorganisation Officer may be informed and the redeployee may lose any entitlement to a redundancy payment.

## Salary Safeguarding and Protection

Salary safeguarding and salary protection are only applicable for employees that are to be redeployed on the grounds of redundancy.

### TEACHING STAFF

In redeployment situations resulting from the closure, prescribed alteration or reorganisation of a maintained school or educational establishment, the difference between a salary awarded by a new employer and the salary received in the redundant post will be safeguarded for three years. During this period, pay awards and increments will not be paid until or unless the new salary exceeds the safeguarded salary. If this happens, then safeguarding will end.

### SUPPORT STAFF

Salary protection arrangements for support staff are described in the Local Scheme of Conditions of Service. This currently provides that where a post becomes disestablished the current post holder becomes 'at risk' of redundancy and seeking alternative employment is mandatory within LCC, although not within other schools.

Where an employee is redeployed into a new post that is considered suitable alternative employment but is of a lower grade/salary within a LCC directorate, consideration will be given to implement salary protection. If approved, the salary will be frozen at the date of transfer to the top point of the new lower grade, plus up to £3000 protection will be paid (pro rata for part-time employees)). Pay awards and increments will not be paid until or unless the substantive grade maximum exceeds the protected salary. The protection will cease after 2 years and the salary paid will then be at the maximum of the substantive grade.

In addition, where candidates appointed to new posts are afforded salary protection, LCC will be able to require the individual to carry out additional tasks as long as they are commensurate with the level of protected salary. Unreasonable refusal to carry out such tasks may jeopardise the protected element of the salary.