

# Redeployment of Staff – Code of Practice for Schools and Colleges

Code of practice for redeploying people employed in schools/colleges who are affected by changing circumstances

## Key points

- Schools and colleges will make every reasonable effort to redeploy employees who are identified as being at risk of redundancy or of losing their job for other reasons, for example ill health, disability or the application of a formal policy or procedure
- This code of practice will apply in all cases where it becomes necessary to consider the redeployment of staff from one educational establishment to another
- Any post considered must be a suitable match for the employee's skills and experience and comparable in terms and conditions of employment
- Protection of pay and travelling costs might apply, depending on the circumstances
- This code of practice should be used in conjunction with the County Council's Personnel Policies, in particular, **Managing Change, Redundancy, Restructure and Management of Attendance.**

## 1 Introduction

- 1.1 Headteachers/principals are encouraged to apply the Redeployment Code of Practice in assisting employees in other educational establishments to find alternative work and to give prior consideration for any suitable posts available in their establishment. This approach promotes good employee relations between establishments and within the County Council as a whole.
- 1.2 During the course of their employment some staff will be affected by changing circumstances which may result in them being unable to continue in their job

- 1.3 This policy will assist schools/colleges and the County Council in meeting their legal obligations as an employer in respect of redundancy, expiry of fixed term contracts of one year or more, disability and lack of capability due to ill health.
- 1.4 Where appropriate Personnel and Training will seek employment opportunities in posts other than schools/colleges in accordance with the County Council's Redeployment Policy.
- 1.5 Change, whether related to redundancy, ill health or disability can be an unsettling experience for an employee and redeployment can provide an opportunity to rebuild a career or enable employees to gain new skills.
- 1.6 Whilst every reasonable attempt will be made to find suitable alternative work for an individual, there will be circumstances where this is not possible. There can be no guarantee of an alternative job and in such circumstances the final outcome may be termination of employment.

## **2. Reasons for redeployment**

- 2.1 The aim of this code of practice is to provide continuity of employment by seeking suitable alternative employment for employees identified as being 'at risk of redundancy' or following notice of redundancy because of organisational change, or because the job will come to an end on expiry of a fixed term or temporary contract.

It may also apply to the following situations:

- where an employee becomes unable to carry out their role due to ill health or disability and it is clear that no reasonable adjustments to the current role can be made
- where a member of staff has been the subject of one of the County Council's formal policies or procedures e.g. Grievance.

- 2.2 There might be other circumstances in which redeployment is sought as an alternative to termination of employment. These should be discussed with Professional Services, Personnel & Training.

## **3. Alternative Employment**

- 3.1 Every effort will be made to secure alternative employment for school based staff who fall into one of the categories outlined in section 2
- 3.2 With assistance and support from Professional Services PAT details of the employee's skills, qualifications, abilities and experience will be used to identify areas of work where suitable alternative work may be available
- 3.3 Arrangements will be made to provide employees with an up to date list of vacancies in schools, colleges and the County Council

- 3.4 Employees details will be circulated to other schools and colleges and headteachers and principals will be asked to give them prior consideration for any suitable vacancies
- 3.5 Where appropriate the employee should complete an application form for the job. Professional Services will maintain a redeployment database and use it to assist employees to find alternative employment with the County Council.
- 3.6 An employee under notice of redundancy should be given a reasonable amount of paid time off during working hours for the purposes of seeking new employment or to make arrangements for training for future employment.

### **Suitable Alternative Work**

- 4.1 As an alternative to redundancy, a school /college may offer “suitable alternative employment” to be available no later than four weeks after the dismissal date. An employee will be allowed a four-week trial period in the new job. This trial period may be extended by mutual agreement for up to three months.
- 4.2 The factors which must be considered in determining whether a particular post provides “suitable alternative employment” include:
  - relevance of an employee’s skills, qualifications, ability and experience to the requirements of the post
  - practicality and cost of retraining the employee to function effectively within a reasonable period of time
  - salary difference between the original contract of employment and the alternative job offered. Not more than 10% salary difference between the posts will be protected except in exceptional circumstances
  - location
  - comparability of conditions of service between the original job and the alternative post.
- 4.3 If an employee is offered and unreasonably refuses a post, which the school college considers to be a suitable alternative, the redeployment process will cease. The employee should be advised that s/he will not be entitled to a redundancy payment, if consequently made redundant.
- 4.4 There is a right of appeal against dismissal on grounds of redundancy and if an employee refuses an offer of alternative employment that s/he considers to be unsuitable, this may be included as part of the management case at an appeal hearing.

## **5. Prior Consideration for alternative employment**

- 5.1 Headteachers and principals are encouraged to give prior consideration, in advance of other candidates, to all employees accepted for redeployment provided the following criteria are satisfied:

- the employee's skills, qualifications, abilities and experience must match the essential criteria of the post
- in cases of redeployment for reason of redundancy, priority will only be given where the alternative post is deemed "suitable" (see paragraph 4 above)
- an employee without specific experience but with transferable skills will be considered provided the experience can be acquired within a short induction period in the job.

5.3 Precedence will be given to those whose jobs are redundant, or where a disability that potentially meets the provisions of the Disability Discrimination Act renders them unable to perform their job duties.

5.4 If an employee expresses an interest in a post graded higher than his/her existing one, whilst their application may be supported, they will not automatically be given prior consideration.

## **6 Trial Period**

6.1 Employees offered redeployment into new posts are entitled to a 'settling in' or trial period of 4 weeks. A trial period may be extended beyond 4 weeks and up to three months by mutual consent and to enable retraining, where appropriate. If the trial period proves unsuccessful or unsatisfactory, the employee will revert to being 'at risk' of redundancy, or redundant if the notice period has expired.

6.2 A right to a trial period exists where an offer of redeployment is made during an employee's notice period and the employment is to commence at the end of the notice period. In these circumstances a 4 week trial period should be included in the offer. If, at the end of, or during the trial period, the post is not suitable and this is accepted by both the individual and the line manager, the redundancy payment is made as if the employee had left on the expiry of their notice period.

## **Salary Protection**

7.1 Salary protection will normally only apply in cases of redundancy.

## **Support Staff**

7.2 Where the salary of the alternative post is lower than the employee's current salary and the post is deemed to be a suitable alternative, as defined in paragraph 5, pay protection will apply for three years, at the incremental point, at the date of transfer. Annual pay awards will not be applied.

7.3 If, during a period of salary protection, a suitable vacancy arises at the original grade, the school/college reserves the right to transfer the employee to this post, provided there is a good match of skills and experience. If the employee refuses to transfer, salary protection will cease.

7.4 Where the difference in salary between the two posts is substantial (more than 10%), pay protection would not normally apply on the basis that it is unlikely to be considered as a 'suitable alternative'. Where the conditions of service vary

substantially between the two posts, protection will be applied so far as practicable.

## **Teachers**

- 7.5 Where a teacher at risk of redundancy is redeployed to another post in the same authority as a result of a reorganisation or closure of an establishment, s/he shall be entitled to salary safeguarding in accordance with the terms of the School Teachers Pay and Conditions Document.

## **8 Excess Travelling Expenses**

- 8.1 Where an entitlement to excess travel arises, the provisions of the County Council's excess travelling scheme will be applied.

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