

REDEPLOYMENT POLICY

1. Introduction

- 1.1 The University values and recognises the contribution made by its staff and is committed, where reasonable, to maintain security of employment. The University will therefore be pro-active and make all reasonable efforts to support employees at risk of redundancy or who may be subject to redeployment for other reasons, to continue their employment with the University.
- 1.2 Redeployment is carried out in consultation with the redeployment candidate and the University recognises that redeployment constitutes a change to an individual's contractual terms of employment and therefore cannot be implemented without the individual's consent.
- 1.3 The purpose of this policy is to ensure a fair and consistent approach is adopted in the management of redeployment. The policy provides a framework within which an employee is supported through the redeployment process and sets out the role of HR, Colleges/Budget Centres, managers and redeployment candidates within it. To be successful, redeployment relies upon the commitment and active involvement of all parties.
- 1.4 The process for managing redeployment is set out in the supporting Redeployment Procedure.

2. Legal Standpoint

- 2.1 The University has a legal obligation to consider redeployment candidates and to give them priority over other non-redeployment candidates.
- 2.2 This policy meets the requirements of all relevant employment legislation, including the Trades Union and Labour Relations (Consolidation) Act (1992), Equality Act (2010) and subsequent amendments and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations (2002).
- 2.3 "Suitable" Alternative Employment
 - 2.3.1 "Suitable" alternative employment is defined as a post which is broadly comparable to that previously held in terms of the duties of the post and the knowledge, skills and experience required. The grade/band of post, salary, status, hours of work, patterns of work, and working environment should also be taken into account. None of these factors on their own is definitive and therefore suitability for a post will be determined on a case by case basis.
 - 2.3.2 A "suitable" post may be one which could potentially become "suitable" for the redeployment candidate with reasonable training. Training may be both formal (courses) and informal (coaching/mentoring) to support any training need(s) identified.
 - 2.3.3 An individual may choose to apply for and accept a post which may not necessarily be "suitable" as defined under this section.
 - 2.3.4 In circumstances where a redeployment candidate deems a post offered to them to be not "suitable" alternative employment, his/her written reasons detailing why the job is unsuitable should be submitted to HR.

3. Roles and Responsibilities within the Redeployment Policy

3.1 The Redeployment Candidate

3.1.1 The effectiveness of the Redeployment Scheme is dependent on the full co-operation of the redeployment candidate. Redeployment candidates are required to actively search for alternative posts using the University's website and/or other resources; to give thorough consideration to all possible alternatives and to be flexible in what they might consider as "suitable" alternative employment. Redeployment candidates are encouraged to take part in the recruitment and selection process of any post identified by either the College/Budget Centre or the redeployment candidate as a potentially "suitable" redeployment opportunity.

3.2 Colleges/Budget Centres

3.2.1 Heads of Colleges/Budget Centres are expected to seek to avoid redundancy or, where this is not possible, to mitigate any redundancy for their own staff within their own College/Budget Centre. This includes anticipating potential redundancies, by for example considering freezing vacancies or filling them temporarily, or taking any other appropriate action to avoid a redundancy.

3.3 Selection Panels

3.3.1 Selection panels convened to assess the potential "suitability" of an individual for a vacant post are expected to give priority to any redeployment candidate(s) who are drawn to their attention by HR for a post and who meet the job criteria (over any candidates who are not redeployment candidates). (See section 2.1)

3.3.2 In assessing the suitability of the candidate for the post, the selection panel must consider how far an individual's skills, knowledge and experience match the job description for the vacant post. If there are gaps, the panel is required to assess if training can bridge these gaps within a reasonable period and consider whether this is a viable option. The panel must be able to demonstrate that a decision not to shortlist or not to appoint a redeployment candidate (with or without reasonable training) is reasonable in the circumstances.

3.3.3 Selection panels in Colleges/Budget Centres must make decisions as to whether a redeployment candidate meets the job criteria as quickly as possible. (See sections 3.3 and 3.4 of the Redeployment Procedure).

3.3.4 Redeployment candidates have the right to appeal against a decision by the selection panel not to shortlist or not to appoint (with or without reasonable training). The procedure to be followed is set out in the Redeployment Procedure (Section 5).

3.4 Human Resources

3.4.1 Human Resources are responsible for the administration of the Scheme. HR will be responsible for providing Colleges/Budget Centres, selection panels, and redeployment candidates with advice and guidance concerning the application of the Redeployment Policy and Procedure. In addition HR will support redeployment candidates as fully as possible throughout the redeployment period by, for example, providing advice on applications and interview practice where requested.

4. Eligibility for Redeployment

- 4.1 The redeployment scheme is provided for, and is available to, employees in the following circumstances:-
- 4.1.1 Employees whose posts are at risk of redundancy or who are being made redundant (cessation or diminution of activity) including as a result of expiry of fixed term contract, organisational change, financial exigency
 - 4.1.2 Employees who are no longer medically capable of performing the duties for which they are employed, and with whom all alternatives within their existing post have been exhausted i.e. reasonable adjustments
 - 4.1.3 Employees who have for example experienced a breakdown in their working relationship(s), or where there are other circumstances for seeking redeployment where the post may not be at risk. Where there are objective and justifiable reasons for doing so, the University will support such requests. Each request will be considered on a case by case basis. Where a request is not supported by the University full written reasons will be given.

5. The Redeployment Period

5.1 Redundancy

- 5.1.1 An employee will become eligible for redeployment from the point at which their post is identified at risk of redundancy and will remain eligible until either the employee is redeployed, dismissed on the grounds of redundancy, or the threat of redundancy is lifted. The redeployment period will be not less than 3 months.

5.2 Medical redeployment

- 5.2.1 An employee will become eligible for redeployment once it has been agreed by the University, following consultation with Occupational Health that this is an appropriate course of action once all other reasonable alternatives to keep them in their present job have been exhausted. Redeployment to an alternative post will be subject to agreement from Occupational Health that it is medically "suitable" (with or without any reasonable adjustments). The redeployment period will normally be 3 months but may be for longer dependent upon the individual circumstances of the case.

5.3 Some other reason (see section 4.1.3)

Employees who are seeking redeployment for a reason where their post is not necessarily at risk, for example a breakdown in relationship(s) at work

- 5.3.1 An employee will become eligible for redeployment once it is agreed by the College/Budget Centre and the employee that redeployment is an appropriate option. These requests may not require consultation with Occupational Health, but the College/Budget Centre and the employee should consult the HR Lead for the College/Budget Centre. An employee may request redeployment in the absence of agreement from their College/Budget Centre.

6. Redeployment and Tier 2 (General) visas

- 6.1 In most circumstances, the University is required to carry out a Resident Labour Market Test (RLMT) before it can sponsor a migrant for a role. This is to ensure that there is no suitably-qualified or skilled settled worker available to take the role.

For the purposes of the RLMT, **settled workers** includes: British citizens; EEA and Swiss nationals (and in some circumstances their non EEA / Swiss family members); British Overseas Territories Citizens, (other than those from the British sovereign base areas in Cyprus); individuals with UK ancestry rights; and individuals who are settled in the UK (eg, non EEA nationals with indefinite leave to remain, or those who have permanent residence under EU law)

The University is required to assess any applicants against the required qualifications, experience or skills listed in the advert. **We cannot discount any settled worker candidate for not having any qualifications, skills or experience not asked for in the advert.**

In order to appoint a migrant who requires sponsorship, there must be no suitable settled worker available to fill the job, whether or not such an applicant is the best candidate. The only exemption to this test is where a job falls within one of the PhD SOC codes; The PhD SOC codes most relevant to sponsorship at the University are 2119 (Natural and social science professionals not elsewhere classified) and 2311(Higher education teaching professionals). These codes cover most research jobs at grade 7 and 8 and teaching jobs at grade 8, 9 or 10.

Redeployment candidates who require a Certificate of Sponsorship are not eligible for priority consideration over settled workers, however, they will have priority over non-redeployment candidates who require a Certificate of Sponsorship. They will also benefit from all other areas of the Redeployment Service in terms of support, including interview practice, help with writing a CV or writing applications.

7. Named Candidates

- 7.1 The requirement to advertise a post may exceptionally be waived where an individual is a named candidate in a successful grant application to which the individual has substantially contributed. Where a College/Budget Centre wish to appoint a named candidate in these circumstances the University will do so without advertising the post on the redeployment website. The University will monitor this strictly.

8. Redeployment and Disability

- 8.1 A member of staff with disabilities will be eligible for redeployment where they are unable to fulfil the duties of their current post for reasons related to their disability and no further reasonable adjustments can be made to enable them to remain in that post.
- 8.2 Where an individual is disabled (under the definition of the Equality Act), and requires reasonable adjustments to be made at interview, the person responsible for setting up the interviews will be informed of the adjustment(s) required for the interview. The medical condition of the redeployment candidate will not be disclosed to the selection panel.
- 8.3 To ensure the University is compliant with the Equality Act, during the redeployment process, reasonable adjustments to the process and/or the way it is applied will be made as is appropriate to each individual's circumstances. For example:-

- Information on the process will be made available in an accessible format upon request
- Meetings and interviews will be held in accessible venues and appropriate equipment such as hearing loops provided as needed
- Support workers and care assistants may accompany the redeployment candidate at any meetings and interviews related to the redeployment process

8.4 There are circumstances where it may be appropriate to offer a disabled redeployment candidate a post in preference to other redeployment candidates if it is one that they are able to do, and even if they are not the best candidate for the post, if the post constitutes a “reasonable adjustment”.

8.5 In some cases, where the Equality Act applies, a higher graded/banded post may need to be considered.

9. Redeployment and Long Term Sickness

9.1 Employees who are absent from work due to long term sickness and who are at risk of redundancy must be included in a redundancy consultation process and have the same information about and access to the redeployment process as employees at work.

10. Redeployment and Maternity/Adoption/Shared Parental Leave

10.1 Employees on maternity, adoption or shared parental leave, and who are at risk of redundancy, must be included in a redundancy consultation process and have the same information about and access to the redeployment process as employees at work.

10.2 Employees on maternity, adoption or shared parental leave have additional rights with regard to “suitable” alternative employment known as ‘queue jumping rights’. If there is an alternative post which is “suitable” (as judged by the redeployment candidate and the College/Budget Centre) then it must be offered to the redeployment candidate on maternity/adoption/shared parental leave in preference to any other redeployee who may have applied for a post, even if they are not the best candidate for the post. Where two or more redeployment candidates who are on maternity/adoption/shared parental leave apply for a post and meet the essential criteria, the best candidate should be appointed.

11. Salary

11.1 Salary on redeployment will be protected to the extent that the University Policy on Pay Protection allows.

12. Training

12.1 The objective of the Redeployment Policy and Procedure is to support redeployment candidates to find “suitable” alternative employment at the University. There will be a positive approach to identifying individual training needs and active help and support provided. The University will support a redeployment candidate who wishes to update or broaden their skills to facilitate redeployment.

12.2 Where appropriate, redeployment candidates will be directed to relevant training services provided by the University. Insofar as is practicable staff will be encouraged and supported in doing any relevant training and will be allowed reasonable paid time off in order to undertake such training.

13. Trial Period

13.1 Use of Trial Periods in Redundancy Cases

- 13.1.1 A trial period may be used in order to assess (by both the employer and the employee) whether the post is really "suitable" and will normally be used in cases where it is unclear to either party whether this is the case.
- 13.1.2 Where a vacancy has been identified as potentially suitable for a particular redeployment candidate at risk of redundancy, after consultation with HR and the redeployment candidate, the College/Budget Centre may decide to appoint the redeployment candidate. This will be subject to a trial period of up to 4 weeks (or longer as may be agreed in writing by the University and the employee) in accordance with statutory requirements. The employee has a statutory right to a 4 week trial period where the capacity and place in which they are employed, together with other terms and conditions of employment, differ (wholly or in part) however, there is no statutory right to a trial period if their contract of employment will be renewed on the same terms.
- 13.1.3 The trial period should be communicated in writing to the redeployment candidate prior to the start of the trial period and detail the duration and the reasons for the trial period.
- 13.1.4 In a redundancy situation an extension of the 4 week period can be made (following consultation between the College/Budget Centre, the redeployment candidate and HR) in cases where the College/Budget Centre requires the redeployment candidate to undertake a short period of further training prior to assessing the redeployment candidate's "suitability" for the post.
- 13.1.5 If during the trial period the employment is considered to be unsuitable by either the employee or the University then the employee will be entitled to receive any redundancy payment that s/he was entitled to prior to the commencement of the trial period. If, however, the employee unreasonably terminates the contract, he/she will not be entitled to a redundancy payment. Eligibility to a redundancy payment may also be lost if an individual unreasonably refuses an offer of suitable alternative employment.
- 13.1.6 Where a College/Budget Centre assesses a trial period to be unsuccessful and is unable to confirm the redeployment candidate in post, full written reasons will be provided by the College/Budget Centre. Equally, the redeployment candidate has the right to appeal against the decision made by the College/Budget Centre. The procedure for doing this is set out in the Redeployment Procedure (section 5).
- 13.1.7 In cases where the College/Budget Centre assesses a trial period to be successful but the redeployment candidate assesses the post as unsuitable, the redeployment candidate will be required to provide written reasons to HR setting out why s/he perceives the post to be unsuitable. These cases will be dealt with under the appeals procedure set out in section 5 of the Redeployment Procedure.
- 13.1.8 Where a redeployment candidate is placed in to a post on a trial period which is subsequently deemed unsuitable by either the College/Budget Centre or the redeployment candidate (or both); provided that the individual is still within their redeployment period (as defined in Section 5); they will remain eligible for other redeployment opportunities which may become available and which may (if

appropriate) involve another trial period(s).

13.1.9 If a trial period ends unsuccessfully prior to the termination of an individual's substantive contract any remaining salary costs will become the responsibility of the originating Budget Centre.

13.1.10 In circumstances where a potentially more "suitable" vacancy arises during a trial period the redeployment candidate will have the opportunity to be considered by the shortlisting and appointment panel for the alternative post ahead of non-redeployment candidates who may apply.

13.2 Use of Trial Periods in cases other than Redundancy

13.2.1 Trial periods of up to 3 months may be applied (following consultation between the redeployment candidate and the College/Budget Centre) and depending on the circumstances of the case. As far as possible a trial period will be managed as above.

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