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**REVISED REDEPLOYMENT POLICY**

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**Reason for the Report**

1. To provide an opportunity for the Committee to consider draft proposals to revise the Council's redeployment policy before they are put before the Cabinet for approval at its meeting on 9 December 2013.

**Background**

2. The Council's current Redeployment Policy and Procedure was approved by the then Executive at its meeting on 15 July 2010<sup>1</sup>, as part of a suite of documents which make up the Employee Support Framework. A copy of this, updated administratively in August 2012, is attached at **Appendix A**.

**Issues**

3. As part of the Budget Strategy 2014/15 Update report which was considered by the Cabinet at its meeting on 7 November 2013, a recommendation was agreed that the Cabinet should receive a report in December 2013 in relation to a revised Redeployment Policy. The Budget Strategy Update report, which is being considered at Agenda Item 6, states that given the scale of the financial challenge facing the Council,  
  
    'the Council needs to make very significant cuts each year for the foreseeable future and as almost half of the Council's spend is on employees, there will be a need to significantly reduce the size of the workforce over the medium term. Whilst

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<sup>1</sup> A full copy of the Employee Support Framework report which went to the Executive can be accessed on the Council's website at:  
[http://www.cardiff.gov.uk/content.asp?nav=2872%2C3250%2C4875&id=&parent\\_directory\\_id=2865&textonly=&language=&\\$state=calendarmeeting&\\$committeeID=1421&\\$meetingdate=15/07/2010](http://www.cardiff.gov.uk/content.asp?nav=2872%2C3250%2C4875&id=&parent_directory_id=2865&textonly=&language=&$state=calendarmeeting&$committeeID=1421&$meetingdate=15/07/2010)

the Council will do all that it can to protect jobs in these financially challenging times, the scale of the change required is such that it will not be possible to avoid redundancies’.

4. The Report therefore recommended that a further report be submitted to the Cabinet in December 2013 outlining revised redeployment proposals.

### **Way forward**

5. The Deputy Leader, Councillor Ralph Cook ; Christine Salter, Interim Head of Paid Service; Philip Lenz, Chief Human Resources Officer; and Lynne David; Centre of Expertise Manager, have been invited to attend the meeting. They will give a presentation setting out the proposed changes to the Redeployment Policy and Procedure, before the issue is considered by the Cabinet on 9 December 2013.

### **Legal Implications**

6. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

### **Financial Implications**

7. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in

relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/ Council will set out any financial implications arising from those recommendations.

## **RECOMMENDATIONS**

The Committee is recommended to:

- i. Consider the information presented at the meeting; and
- ii. Decide whether it wishes to make any comments or recommendations to the Cabinet.

## **MARIE ROSENTHAL**

County Clerk and Monitoring Officer (Democratic Services)

20 November 2013

## CARDIFF COUNCIL

### REDEPLOYMENT POLICY AND PROCEDURE

#### Purpose

1. The Council recognises it has a duty of care to its employees and wishes to support them wherever possible. The Council is transforming its services to provide improved customer services and streamlined organisational business support arrangements, and this, in addition to the usual reasons for redeployment, as described below, will have implications for employees.
2. Redeployment is one of the policies which form part of the Council's Employee Support Framework (ESF). The ESF will enable the Council to manage the impact of organisational change on employees by ensuring that employees receive effective, timely and appropriate support.
3. The redeployment policy has been strengthened to
  - ensure employees are
    - treated equitably and fairly through the process
    - equipped with the tools to enable them to identify their current and desired level of competence and agree their development plan
  - support the different needs of the organisation in relation to the change programme
  - clarify the role of managers (original and new) in supporting redeployees.
4. This scheme is designed to assist redeployment in situations where:

**Employees are at risk** i.e. under threat or notice of redundancy during consultation and notice periods related to organisational changes

**Employees have medical / health issues / a disability** and redeployment has been recommended by an Occupational Health Practitioner where it is anticipated that this will improve future attendance levels.

**Employees need to be moved from one work environment to another** either for service essential reasons or other exceptional circumstances.

#### Scope

4. This policy and procedure applies to all permanent employees of the Council, except its Schools based employees. In addition the policy will be applied to temporary employees with at least 4 years continuous service.
5. The policy will not apply to migrant workers whose legal entitlement to work

is based upon the necessity to obtain a work permit which may only be acquired for a skill shortage post.

## Key Responsibilities

6. To ensure that the redeployment policy and procedure is consistently and effectively applied, all those involved in the process must understand and accept their responsibilities.

### (a) HR People Services – Redeployment Team

- **Initial Contact:** Contacting redeployee, within three calendar days of them being notified of redeployment by their manager, to outline the Redeployment process including support available and schedule a meeting with an officer from the Redeployment Team
- **Second Contact:** Meeting with redeployee within 14 calendar days of the above date to complete 'Redeployment Checklist', check progress, provide and / or sign post to support available
- **Ongoing Contact:** Following Receipt of redeployee's 'Redeployment Form' (Appendix A – Competency Assessment Toolkit) – Redeployment Team to contact or meet redeployee within seven calendar days to finalise paperwork prior to redeployee's start date on Corporate Redeployment Register
- Arranging regular Redeployment Panel Meetings
- Undertaking casework for employees retained on the Redeployment Register
- Providing guidance and advice to original and new managers and to employees seeking redeployment
- Undertaking necessary administrative functions associated with redeployment
- Managing the impact of redeployment on recruitment processes.
- Monitoring the redeployment process by, for example, producing performance indicator information
- Providing advice and guidance to employees and managers on the Competency Assessment Toolkit
- Review 'Redeployment Form' - Competency Assessment Toolkit (Appendix A) with manager to determine suitability of match between redeployee and vacant post

### (b) Corporate Redeployment Panel

- Considering new applications for Redeployment
- Determining the suitability of vacancies as redeployment opportunities
- Deciding on the appropriateness of extending the retention period on the register beyond the six month timescale
- Determining the outcome of any review requests

### (c) Service Area Managers (Original)

- Advising HR People Services of forthcoming Redeployment
- Meeting with employee to advise of redeployment start date; assessment period; Redeployment Policy and Process and support options available Informing employee of the start and finish date of the 'Assessment Period' (and confirming the above in writing)
- Supporting redeployees in completing their Competency Assessment Toolkit during the Assessment Period
- Maintaining day to day management responsibility for employees until they are successfully placed in a new post. This includes performance management, absence management etc
- Allowing reasonable time off for redeployees to attend interviews or training as appropriate on production of suitable evidence

#### **(d) Service Area Managers (New)**

- Accepting corporate responsibility for Council employees by responding positively to requests to consider employees subject to redeployment
- Consider suitable redeployees ahead of other applicants
- Use Competency Assessment Toolkit profile (Appendix A) with Redeployment Team to determine suitability of match between redeployee and vacant post
- Supporting the redeployment process by undertaking prior consideration meetings, and offering trials whenever possible
- Ensuring that all support, help and encouragement is made available to employees undertaking redeployment trials, in order that successful outcomes may be secured
- Submitting reports to the Panel justifying on objective grounds, the reasons why a trial should not be offered, or why an appointment should not be offered following the completion of a redeployment trial

#### **(e) Redeployees**

- Promptly complete the Competency Assessment Toolkit to ensure they can maximise their time on the Corporate Redeployment Register
- Recognise that failure to complete the Competency Assessment Toolkit will not delay their start date on the Corporate Redeployment Register and they will automatically be entered on to the register within 4 weeks of the notification from their Chief Officer – see paragraph 11
- Maintain contact with the Redeployment Team as agreed at outset of the process
- Submit Appendix A 'Form for Redeployment' to Redeployment team prior to start date on Corporate Redeployment Register
- Actively managing their own development and training, to help secure future employment, with support from their manager
- Adopt a willing approach to considering suitable offers of employment, and fully co-operating with the redeployment process
- Accept appropriate work in any service area while awaiting redeployment

## (f) Chief Officers

- Service area Chief Officers to authorise applications for redeployment
- Actively support managers in the redeployment process

## Key Principles

7. The Council must avoid situations where employees are not gainfully employed whilst they are awaiting redeployment, and expects all employees in such circumstances to accept appropriate work in any service area. Where this occurs for short periods (normally, no longer than 6 weeks) pending more long term redeployment, normal contractual pay will be maintained.
8. Where Chief Officers consider there is a case for redeployment within their Service Area, the application will be referred immediately to the Corporate Redeployment Panel.
9. The Corporate Redeployment Panel will be chaired by the Corporate Chief Officer, Shared Services or nominated representative and attended by a Trade Union Representative plus representatives from HR People Services. The Trade Union Representative should be independent and therefore will not sit on panels where there is/could be, a direct conflict of interest. The purpose of the Panel is to approve employees for inclusion on the Corporate Redeployment Register, and match those employees to suitable vacancies in the Council's Service Areas. The final decision of the Panel will be confirmed in writing and is binding on the relevant Chief Officer.
10. Once approved for inclusion on the Corporate Redeployment Register, employees will be retained for a period of six months.
11. To support employees who are to be redeployed an "Assessment Period" of up to four calendar weeks has been incorporated into the Redeployment Procedure. This provides an opportunity for employees to complete the Competency Assessment Toolkit (CAT) with support from their manager. The completion of the CAT is a mandatory part of the redeployment process designed to enable the matching of redeployee's to suitable vacancies. Employee's are expected to complete the CAT during the 'Assessment Period' in order to maximise their opportunity to be matched with suitable vacant posts during their six months on the Corporate Redeployment Register. Failure to complete the CAT will **not** delay the redeployees start date on the Corporate Redeployment Register.
12. Employees seeking redeployment have the right to be represented at any stage in the process by a trade union representative or work colleague.
13. Employees on the Corporate Redeployment Register will be given

reasonable amounts of time off to look for another job or to arrange training, subject to management approval and production of suitable evidence.

## Funding

14. For the duration of the time an employee is retained on the Corporate Redeployment Register, including any trial periods, the funding of their salary plus any entitlement to redundancy payments will remain the responsibility of the original service area.
15. Where employees awaiting redeployment are used to undertake work in a supporting capacity in other Service Areas, the original Service Area will be responsible for pay. However where the employee, in order to keep them gainfully employed, can be temporarily transferred to a vacant post, the new Service Area will be responsible for pay up to the maximum of the grade of the vacant post. The original Service Area will fund the balance, where necessary.

## Vacancy Matching

16. When seeking to identify suitable matches for employees pursuing redeployment, every effort should be made to consider vacancies prior to advertisement. Where this has not been possible, advertised posts may be placed 'on-hold' in the recruitment process while their suitability is explored further. The point at which a post can no longer be considered for redeployment is when a shortlist has been compiled.

## Suitable Alternative Employment

17. In order to obtain suitable alternative employment, the provisions of paragraph 22 of the Recruitment & Selection Policy will be applied. This states:

“Where, in certain circumstances there is a need to safeguard the interests of existing employees who might otherwise face downgrading or redundancy, arrangements may be introduced on a temporary basis by the Council in consultation with the Trade Unions to operate a ‘ring-fence’ agreement whereby vacancies are advertised on an internal basis only in the first instance“

By ring fencing jobs to internal employees, the Council is increasing the probability of finding suitable alternative employment for employees through redeployment.

17. Under normal circumstances employees will not be matched to posts of a higher grade as this would give them an unfair advantage over other employees. Contractual pay e.g. allowances (bonuses where applicable) may be taken into account for the purpose of grade matching. Under the



Equality Act 2010, employers are also able to treat disabled employees more favourably and ensure disabled employees do not suffer any disadvantage in employment. In some cases, therefore, it may be appropriate for a disabled employee to be considered for redeployment into a higher graded post, provided it is a reasonable thing to do in all circumstances.

18. Where employees are redeployed into posts on the same grade, they will normally transfer on their existing salary, subject to any qualification/career bars in the grade. Where the maximum salary of a job is lower than the existing salary then the maximum salary will apply.
19. Employees subject to redeployment will be given support and encouragement, including help to define their competencies.. The Competency Assessment Toolkit (CAT) will be used to support this process. Assistance in completing the CAT, application forms, preparing for interviews etc is also available.
20. In seeking suitable alternative employment, managers should be imaginative, for example looking at the possibilities for placing employees into posts where e.g.
  - employee are absent because of long term sickness
  - temporary posts
  - posts which would normally be filled by agency workers.

All posts should be explored as potential redeployment opportunities. However, it is accepted that some partner agency posts may need to be excluded from the pool of potential redeployment opportunities.

21. When considering whether an employee is suitable for a redeployment trial, consideration must be given not only to whether the employee is immediately able to meet the requirements of the post but also whether they would be able to do so after a reasonable amount of training and support.

## **Trial Periods – Purpose and Duration**

22. All redeployments will initially be for a trial period of four weeks, during which time the manager and the employee will assess the suitability of the new position and the skills / competencies of the employee. Regular reviews will take place throughout the trial period. At the end of the initial period either party may request that the trial be extended to allow for situations where further training is required, annual leave or sickness has occurred or the employee works on a part time basis. Based on the circumstances involved the duration of the extension required will be agreed by all parties but will be subject to a maximum of 12 weeks.

## **Break or Interruption in Redeployment Period**

23 Redeployee's who (for any of the reasons listed below) have their 6 month period on Redeployment interrupted will be entitled to the remainder of their initial six month period, on the register.

- Maternity Leave
- Maternity Related Ill Health
- Employees Diagnosed with a Critical Illness (see Critical Illness Policy)
- Employees who have secured a temporary post within the Council
- Employees who are absent due to a disability related absence, as confirmed by Occupational Health and as defined by the Equality Act 2010 (a physical, mental or sensory impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities. This includes a wide range of impairments, such as: cancer, HIV, diabetes and depression and other mental health conditions).

Redeployee's re-joining the Redeployment Register will be entitled to the remainder of their 6 months or a minimum of two months, (whichever is the longer period).

## Offers

24. Following the successful completion of a redeployment trial the offer of redeployment will be made in writing, giving full details of the terms and conditions of employment associated with the new job and requiring acceptance in writing.
25. All redeployment offers will be conditional to the necessary safeguarding requirements associated with the post e.g. registration with regulatory bodies such as ISA/CSSIW, together with satisfactory Criminal Records Bureau Disclosure.
26. Any failure by employees to accept reasonable offers of employment (whether temporary or permanent) will be fully documented and may result in the termination of employment with the possible loss of entitlement to redundancy pay. Where an employee feels that an offer is not reasonable they or their trade union may make representation to the Redeployment Panel.
27. This revised scheme will be reviewed in the light of operational experience.

## Procedure

28. The Chief Officer in conjunction with HR People Services submits the 'Corporate Redeployment Form' to the Redeployment Panel (4.C.121). The form must be supported by relevant occupational health reports for cases of employees seeking redeployment on medical grounds.
29. The panel will consider the application and decide whether the employee

should be accepted onto the Redeployment Register. If the application is accepted the employee will be retained on the register for a period of 6 months unless individual circumstances dictate that the period should be extended e.g. as described in point 23 above.

### **Assessment Period:**

30. The employee, supported by their line manager, will complete the Competency Assessment Toolkit (CAT) during the four (calendar) week 'Assessment Period'. The completion of the CAT is a mandatory step in the redeployment process for employees. The individual competency profile produced will enable employees to be matched against vacancies (suitable alternative employment).

### **Six month Corporate Redeployment Period:**

31. HR People Services will work with employees on the register to identify a potential match with a vacant post. Where vacancies have been identified as a potential matches these posts will be placed 'on-hold' in the advertising/recruitment process whilst their suitability is considered.
32. In order to consider the suitability of the match, where possible the panel will be provided with a copy of the advert, role profile/ job description and person specification for the post. In view of the need to progress quickly due to the time limitation associated with retention on the register, the suitability of the match may be considered either within or outside on the monthly panel meeting.
33. In either case the Chair of the Redeployment Panel (or nominated representative) will contact the Chief Officer of the service area in which the vacancy exists and advise them of the need for the manager of the vacancy to meet with the employee seeking redeployment.

### **Prior Consideration Meeting:**

34. The purpose of the meeting is for both parties to discuss the post and the skill / competency match in order to ascertain whether there is any substantial reason why a trial should not be offered. In cases where a disabled employee is covered by the Equality Act 2010 consideration should also be given to the appropriateness of any reasonable adjustments necessary. A trial should not be refused on the basis of costs alone e.g. if there is a cost to providing reasonable adjustments for a disabled employee. However, all aspects of the trial should be considered in determining if the trial is reasonable or not.
35. Where more than one employee expresses an interest in redeployment to the same post, all employees will be interviewed. The interview will take the place of the prior consideration meeting.
- 36.. If the manager decides that a trial cannot be offered, a report must be submitted to the Redeployment Panel outlining the reasons for this

decision.

37. Following consideration of the report, the Panel will decide whether further action to initiate a trial is necessary or whether the post can be released for advertisement. When the Panel has taken the decision to uphold the manager's decision not to offer a trial the employee will be afforded the right of review against the Panel's decision.
38. When an employee wishes to request a review of the decision not to offer a redeployment trial they must do so in writing within 7 calendar days of being informed of the Panel decision. The review will be determined by the Chair of the Redeployment Panel and the decision reached will be final and binding on all parties.
39. Following completion of a redeployment trial an assessment of suitability will be made. If the trial has been successful the employee will be offered the post on a permanent basis or for the remainder of the temporary contract and their name will be removed from the register. If the trial has not been successful a report must be submitted to the Redeployment Panel outlining the reason for the decision. If the decision of the panel is to uphold the manager's decision the employee may request a review of the decision using the procedure outlined in paragraph 34. Where the review is not upheld the employee will be retained on the Register subject to them continuing to meet the eligibility criteria. The decision of the review is final.
40. Whilst an employee is retained on the Redeployment Register, contractual notice will be issued to coincide with their expiry date on the register. In cases where the retention period/ trial period has been extended then the notice period will be adjusted accordingly.
41. Every effort will be made to make an offer/s of reasonable alternative employment as part of the redeployment process. Where an employee refuses a reasonable redeployment offer(s), no further attempt will be made to redeploy and the contract may be terminated.

## **Associated documents**

**5.C.176**      Competency Assessment Toolkit

Redeployment Letters associated with this Policy:-

**4.HR.117**      Inclusion on Register  
**4.HR.118**      Non Inclusion on Register  
**4.HR.119**      Redeployment Interview Letter (multiple applicants)  
**4.HR.120**      Possible Match  
**4.HR.121**      Unsuccessful following Interview or Meeting  
**4.HR.122**      Successful Match (4-week trial)  
**4.HR.123**      Unsuccessful Trial  
**4.HR.124**      Removal from Register  
**4.HR.151**      Successful Trial