



TCAT REDEPLOYMENT POLICY 2020

Member Academies:

Beamont Collegiate Academy
Bridgewater High School
Broomfields Junior School
Great Sankey Primary School
Meadowside Community Primary and Nursery School
Padgate Academy
Penketh High School
Penketh South Primary School
Sir Thomas Boteler Church of England High School

| Version | Date | Action |
|---------|------------|------------------------------------------------------|
| 1 | 15/10/2020 | Draft approved at Finance, HR & Operations Committee |
| 2 | 09/12/2020 | Agreed at JCNC |
| 3 | 09/12/2020 | Approved by Finance, HR and Operations Committee |

1 INTRODUCTION

- 1.1 The Trust recognises that the primary aim of redeployment is to retain the employment of employees as a result of a number of differing scenarios. It is therefore the case that the process of redeployment will seek to match an individual's current skills, knowledge and experience with a suitable alternative post avoiding the need to consider dismissals as a result of redundancy or medical capability.
- 1.2 In the first instance an academy will consider any vacancies or suitable alternative employment within their own establishment. However, as the employer, the Trust recognises it's responsibility to consider any suitable alternative vacancies across the whole Trust in order prevent a dismissal.

2 SCOPE

- 2.1 The policy applies to the redeployment of all Trust employees with 12 months or more continuous service within the Trust.

3 PRINCIPLES

- 3.1 Whilst it is acknowledged that generally, case law indicates that the onus of looking for and providing alternative employment rests with the employer, employees also have a responsibility to play a full part in this process.
- 3.2 Notwithstanding the above, the Trust has an important responsibility to facilitate and assist the individual (with the support of Human Resources) in securing suitable alternative employment.
- 3.3 The Head/Principal of an academy will, in consultation with HR and the employee (and their trade union representative if applicable), determine if an employee is eligible for redeployment, based upon the criteria set out at Section 5. Any employee who is deemed 'at risk' that unreasonably refuses to seek or accept redeployment will be informed that this may affect their continued employment with the School.
- 3.4 A register of employees eligible for redeployment will be maintained by the Head of Human Resources.
- 3.5 Any redeployment opportunity will be made into an already established or newly established post. Roles that are not required by an academy will not be created for the purposes of redeployment.
- 3.6 It should be acknowledged that suitable alternative employment may not necessarily be in the same role or area of expertise that the employee has previously occupied. The emphasis is on assessing the full range of skills, knowledge and abilities of the employee and exploring reasonable training and development opportunities in supporting an employee to find alternative work.
- 3.7 Prior to commencing recruitment to any internal or external vacancy (whether permanent or temporary) Academies must notify the Head of Human Resources of the

vacancy in order that the details of the role can be forward to any employees on the redeployment register for consideration.

- 3.8 The Trust recognises its responsibilities under the Equality Act 2010 when redeployment is required by an employee who is disabled as defined by the Act. Those involved in the process will be made aware of the obligation under the Act to make reasonable adjustments when considering candidates with a disability for redeployment.

5 CRITERIA FOR PLACEMENT OF EMPLOYEES ON THE REDEPLOYMENT REGISTER

- 5.1 Placement on the redeployment register will only apply in circumstances where an academy has exhausted all reasonable internal options for alternative employment.
- 5.2 An employee with more than 12 months service may be considered for placement on the Trust's redeployment register in the following circumstances:
- (a) Those who are on notice of redundancy;
 - (b) Where the health or medical condition of an individual, supported by evidence from the Trust's Occupational Health provider, is having a material effect on their ability to undertake their current duties and responsibilities;
 - (c) Where an employee require redeployment due to them meeting the definition of disability in accordance with the Equality Act 2010 and there is a need to make changes to the employment situation by reasonable adjustments.

6. THE REDEPLOYMENT PROCESS

- 6.1 Upon confirmation that an employee is eligible for redeployment, the Academy should notify the Head of HR of the following information:
- Name of Employee
 - Date of Expiry of contract
 - Job Title
 - Subject/Year and Key Stage (Teaching staff only)
 - Hours and weeks of work
 - Current Salary (including any additional payments)
 - Other relevant experience (e.g. experience of teaching second subjects, further qualifications, CPD)
 - Contact telephone / email address.
- 6.2 Employees on the redeployment register will be notified of any upcoming vacancies at other academies within the Trust as an when they occur. They will be given advance opportunity to apply for any position that they feel that is a suitable role.
- 6.3 The employee should notify the Head of HR of their interest in a role within 24 hours of being notified of the vacancy. If there is no response after that time, the role can be recruited to in the usual manner.

- 6.4 If an employee does express an interest the Head of HR will liaise with the recruiting manager who will provide additional information and an application form for the employee to complete. This should be returned within a reasonable, agreed timeframe.
- 6.5 In their application the employee will need to demonstrate that they meet the essential criteria for the role, either directly or by evidence of relevant alternative experience and transferable skills. Where the employee does this the recruiting manager should arrange to meet the employee and explore the possibility redeployment.
- 6.6 The purpose of the meeting will be for the recruiting manager to assess if the employee is suitable for the role and for the employee to assess whether the role is suitable for them.
- 6.7 When assessing if an employee is suitable for the role, the test for the recruiting manager to apply is whether the employee could, after a period of induction, job instruction or training to a level that would normally be given to a new employee possessing the basic skills to do the job, perform the job to an acceptable and agreed standard. In the case of disabled candidates regard must be given to the requirement to make reasonable adjustments within the process under the Equality Act 2010. Provision should be made for the employee to visit the location of the job, prior to any job offer.
- 6.8 Where an employee demonstrates that they meet the essential qualifications and experience criteria for the post, or is able to meet these requirements within a reasonable period of time (maximum 6 months) with supervision and development, academies are encouraged to appoint, they must be appointed, subject to the successful completion of a trial period.
- 6.9 If there is more than one candidate applying under the 'at risk' category, selection will be made by formal interview. The most suitable person as a result of the selection process will be appointed, subject to the successful completion of a trial period.
- 6.10 **Trial periods**
- (a) In all redeployment cases there will be a trial period in a new job for a minimum period of 4 weeks, extended by agreement between HR, manager, and employee. The purpose of this period is to allow for training for the new job and for all parties to assess the suitability and effectiveness of the placement. The period will be agreed at the outset together with a set of objectives to facilitate effective monitoring and review, and these will be confirmed, in writing, along with the offer of alternative employment.
- (b) The Academy from which the employee is being transferred will fund the trial period for a minimum of 4 weeks. However, if the trial period extends beyond a period of 4 weeks funding arrangements should be negotiated between both Academies and the Trust Finance Team.
- (c) Where the employee undertakes a trial period in a position that attracts a higher grade than their current position, the receiving Academy will fund the difference in salary for the whole of the trial period.

- (d) Where the employee undertakes a trial period in a position that attracts a lower grade than their current position the Academy from which the employee is being transferred will continue to pay the employee on their current salary. However, where the trial period extends beyond a period of 4 weeks these arrangements should be negotiated between both the leaving and receiving Academies. Once the trial period has been completed the employee will receive the appropriate salary for the post.
- (e) During the trial period, placement on the Trust redeployment register will be suspended.

6.11 Additional Training & Support

- (a) It is unlikely that a redeployee will possess all the necessary skills and experience to transfer directly to a different job without an element of training being necessary. A period of training should be of reasonable duration to allow the performance of the duties to a satisfactory standard. Often the training may be undertaken during the trial period (4 weeks duration). The academy may be able to accommodate the employee in the role for a longer period, in order to assess suitability.
- (b) The period of time of any additional training is not meant to be unreasonable (e.g., the time required for an employee to study for a qualification). When the trial period is offered, and accepted by the employee, the employee must undertake any training diligently. Training during the trial period may take the form of "on-the-job" training or formal "off-the job" training, or a combination of the two, dependent on the circumstances of the case.

6.12 Conclusion of the Trial Period

- (a) Where the objectives initially set out have been completed and it is considered that suitability has been demonstrated during the trial period, the position will be confirmed in writing, with details of the terms and conditions of the post set out.
- (b) In circumstances where management considers that the employee has not fully met the agreed objectives and thereby not demonstrated suitability in the post during the initial trial period, but with further time/training may do so, they may be offered an extension to the trial period. Such an extension must be with the formal agreement of the employee and be:
 - In writing issued before the end of the initial trial period;
 - Specify the date on which the extended trial period will end;
 - Specify the further re-training necessary;
 - Specify the terms and conditions of employment that will apply to the employee at the end of the period if the employment is suitable;
 - Specify the objectives which remain to be achieved;
 - Signed by both parties;
 - Be of an appropriate length for an assessment of suitability to be made.
- (c) In the event that an employee has not met the agreed objectives and it can be demonstrated that the placement is unsuitable, the employee will return to their substantive role and every effort will be made for further redeployment (subject to the time constraints within this policy). In the event that another vacancy is not available

and that redeployment is not possible, it may be necessary for the academy to consider termination of employment.

6.13 Pay Protection / Safeguarding

- (a) this provision only applies to those on notice of redundancy.
- (b) Where an employee's current contractual pay exceeds that of the alternative post, (to a maximum of one grade for support staff), it shall be maintained and frozen at their current pay level. It should be noted that where redeployment involves a reduction in the number of hours worked, the hourly rate only will be protected.
- (c) Earnings will be frozen until pay awards bring the new salary/wage up to the same level subject to a maximum period of protection of 1 year for support staff and 3 years for teaching staff (subject to the relevant provisions of Part 5 of the School Teachers Pay and Conditions Document for teachers within schools).
- (d) Basic earnings will be protected. Where earnings vary they will be averaged over the 12 month period prior to the effective date of redeployment. However, protection will not apply to non-pay benefits such as Car Allowances or to additional payments, such as overtime or other enhancements.
- (e) The academy from which the employee is being transferred will fund protection arrangements.
- (f) Protection against loss of superannuation benefits will be provided for under the Superannuation Scheme regulations when employees suffer a detrimental reduction in earnings.

7 TIME PERIODS

- 7.1 The maximum period an employee can remain on the redeployment register is 3 months. Extension of the time period that an employee is kept on the register may be considered in exceptional circumstances, however, this will only be with the express approval of the Trust.

8 FAILURE TO ENGAGE IN THE REDEPLOYMENT PROCESS

- 8.1 Employees who unreasonably refuse an offer of suitable alternative employment may be removed from the redeployment register and may lose any entitlement to redundancy pay, in the event that redundancy is the only possible alternative. Such a situation may have serious consequences in terms of an individual's continued employment with the Trust.