

Isle of Wight Council
**ORGANISATIONAL
CHANGE POLICY &
PROCEDURE**
**Inc. redundancy &
redeployment**
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1 Document Information

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V1.1	June 2016	Second draft following comments from legal and HR Advisors.
V1.2	January 2017	Further draft following comments from Trade Unions.

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3 Policy Statement Overview and Introduction

This policy sets out the employee relations aspects of organisational change as it affects the council's and schools' employees.

This procedure is designed to conform to the statutory obligations and guidelines that must be fulfilled whenever organisational change, including redundancies and/or redeployment, might arise.

The council/governing body recognises that when organisational change occurs it needs to be managed effectively, and the impact on staff managed sensitively. Service managers, governors and headteachers, with HR support and guidance throughout, are responsible for the effective management of the organisational change procedure and will work constructively with staff and their representatives throughout. Equally, staff and their representatives are expected to work constructively with the service manager.

Service managers, governors and headteachers must ensure that due process is followed throughout the redundancy procedure as set out in this policy as this is an important aspect of any employment tribunal's considerations when determining if there is a case of unfair dismissal.

At times of organisational change, the council/governing body will aim to ensure that:

- all employees whose post may be affected are treated in a fair and consistent manner;
- consultation takes place at the earliest possible opportunity on a collective and individual basis and with their representative(s);
- there is regular communication as appropriate between affected employees and managers, and human resources if necessary, about what is happening;
- there is recognition and encouragement of an individual's right to representation at all stages of the procedures;
- a transparent process is used for managing changes;
- compulsory redundancy is avoided wherever possible within the financial constraints of the organisational change

This policy allows employees under notice of dismissal by way of redundancy to consider, and to be considered for, alternative employment (redeployment procedure can be found in – Section 10) and to be redeployed into suitable vacancies within the council (where the council is the employer) or within the school (where the governing body is the employer).

The council/school will use its best endeavours to offer suitable alternative employment to employees displaced because of:

- changed organisational circumstances;
- non-renewal of their fixed term contract for those that have more than 2 continuous years' service;

3.1 Supporting policies & procedures

- Equality Impact Assessment Guidance – which sets out the requirements to fulfil the obligations of equalities legislation and best practice.
- Selective Voluntary Termination of Employment Scheme – which sets out how staff may elect to leave the Council's employment early

3.2 Scope

This policy and procedure will apply to all employees including school based staff where the governing body has formally adopted the policy.

This policy and procedure does not apply to uniformed Fire Fighters who are subject to Grey Book terms and conditions.

3.3 Advice & guidance

Managers are responsible for leading on the organisational change procedure. HR advice and guidance is available to managers on how to conduct organisational change and instigating the processes necessary to deliver it.

The council/school appreciates that employees may feel unsettled during times of organisational change. The council sponsors an Employee Assistance Programme (EAP) which is accessible to all employees and provides a confidential counselling and support service 24 hours a day, every day of the year. Employees may talk through with the trained counsellors regarding any personal concerns they may have. School employees will need to check with their school whether they subscribe to this service.

For internal council employees and subscribing schools, more information on EAP is available on the intranet: <http://wightnet.iow.gov.uk/hr/HealthSafeWell/EmpAssist.aspx>

4 Procedure for Managing Organisational Change

4.1 Principles:

Service managers, governors and headteachers must, in applying this procedure:

- consult with employees, recognised trade unions (see Appendix A) and/or employee representatives;
- provide a record of decision making at every stage of the process;
- comply with relevant legislation, the council's/school's Equality and Diversity Policy, and all other relevant policies.

4.2 Management of the process:

Each senior manager, chair of governors or headteacher is responsible for deciding and leading on the strategy for change within their service area/school in accordance with business and service needs, the role of line managers is to deliver change with advice and assistance from HR.

4.3 Business Case for Change

Council:

A proposed service re-design report will be prepared by the relevant director, head of service or senior manager (with HR business partner support and legal advice), which will be reviewed by the Head of Resources and may also be presented to the Senior Management Team (SMT) for the purpose of monitoring quality assurance of proposals. The service re-design report template is available [here](#) and should include:

- Sign off by the budget accountant
- A copy of the existing staff structure chart and the proposed staff structure chart
- An equality impact assessment (guidance [here](#))

Schools only:

A proposed service re-design report will be prepared by the headteacher/governing body and must be submitted to the relevant HR representative for the council to ensure that any proposed redundancies are true redundancies in line with the council's guidance. The headteacher/governing body is encouraged to share their draft proposal(s) at the earliest available opportunity with the relevant Trade Union representatives. If applications for premature retirement are applicable, applications from governing bodies must also be submitted to the council. Proposals submitted will be considered by an officer panel, consisting of members of senior management from Hampshire County Council, and Isle of Wight Council HR and Finance. The panel may ask for additional information or advice if deemed necessary.

Headteachers/governing bodies will be expected, in submitting reports to the council, to provide documentary evidence in support of their applications. That evidence should include, as appropriate, and at a minimum;

- the reason for the need for the redundancy;
- the current and anticipated financial position of the school;
- An equality impact assessment on the proposals (for further guidance on this please contact your HR provider);
- the school's current and anticipated pupil numbers;
- the curriculum plan and objectives of the school supporting the need for the redundancy;

-
- copy of the resolution from the governing body or an appropriate committee confirming the school's decision.

5 Consultation

Once a business case for change has been approved by the Head of Resources, SMT or the Governing Body along with an agreed draft staffing structure (which has been approved by the council where applicable) it will be made available to all staff falling in scope of the review, their appropriate recognised Trade Unions and/or employee representatives for comment and consultation. A minimum period of time of 10 working days will be allowed for consultation (unless reduced by mutual agreement with those affected), or in accordance with the statutory minimum periods where applicable.

It is for the council/school to decide the size and organisation of the workforce within the available resources. However, it is recognised that Trade Unions and employee representatives have, through consultation, an important role in assisting the council/school on staffing levels and the organisation of work. It is essential that the consultation is meaningful and that it provides an opportunity for a proper examination and exploration of all available options that are submitted.

Where redundancies are to be proposed, both collective consultation (with the recognised trades unions and/ or employee representatives) and individual consultation (directly with staff in scope of proposals and their trade union and/or employee representatives) will take place at the earliest possible opportunity and in any event, the relevant service manager, governors and/or headteacher will consult within the specified timescales.

Any staff whose post may be at risk of redundancy should be notified in writing at the start of the consultation period.

5.1 Collective consultation

This will take place with recognised Trades Unions and/or employee representatives of those who may be dismissed as follows:

- Where fewer than 20 dismissals are proposed at one establishment, consultation will begin at the earliest opportunity before redundancy notices take effect.
- Where the council is proposing to dismiss between 20 and 99 employees, consultation will begin at least 30 days before the redundancy notices take effect.
- Where the council is proposing to dismiss 100 or more employees, consultation will begin at least 45 days before the redundancy notices take effect.

Collective consultation will be undertaken with a view to reaching agreement. However even though best endeavours will be made to reach agreement, this may not always be possible.

The relevant service manager or governor or headteacher (depending on the scheme of delegation) will advise in writing the Trade Unions of:

- the reasons for the proposals;
- the numbers and description of employees it is proposed to dismiss as being redundant;
- the total number of staff of any such description employed by the council/school;
- the pool of employees and the proposed method of selecting the employees to be made redundant, as set out in section 8;
- the proposed method of carrying out the redundancies including the period over which the redundancies are to take effect;

Any representations made by the appropriate representatives will be considered by the appropriate service manager or governing body with support from HR when required, and a response to those representations will be sent all parties in writing. If the representations are to be rejected, an explanation will be provided.

Specifically as required under current legislation and within the specified timescale, human resources will send written notification of redundancies to the Department for Business Enterprise and Regulatory Reform. The notice must be in a prescribed form HR1 and sent to the specified office before any notices of redundancies are issued.

5.2 Individual consultation

The council/school will inform all staff affected by possible redundancy to the same extent as required under collective consultation and invite comment on proposals.

Employees will be offered the opportunity of a one to one meeting with their line manager to discuss specific issues relating to the possible redundancy/change in role.

The purpose of this meeting will be to review each individual's position, options available and in particular to:

- Ensure that employees understand the implications for themselves arising from the organisational change;
- Identify potential roles in the new structure for which the employee might be suitable, taking into account any development needs;
- Outline the job security procedure, redundancy procedure and appeals procedure if necessary;
- Determine any interest in voluntary redundancy / early retirement;
- Allow individuals to express their order of preference for each of their options.

Employees have the right to representation at these meetings from either a Trade Union representative or work colleague.

Employees on maternity, paternity, shared parental leave, adoption leave, long term sick leave, external secondment, or a career break, etc should be treated no differently from other employees when applying this procedure. They must be engaged at all stages and kept informed of all changes on a regular basis. It is important that a contact address is kept for employees absent for one of the above reasons.

6 Confirmation of new staffing structure

At the conclusion of the consultation period, if there are no changes to the original proposal it will be notified to the employees in scope of the review and to their trade union and/or employee representatives.

If amendments have been made to the original proposals, the relevant service manager or headteacher will prepare a final report which will be presented to the Head of Resources and may also be presented to SMT. The report will contain:

- an overview of the key issues raised during consultation together with the response and any resulting changes;
- the structure, benefits realisation, and staffing implications;
- the implementation plan and timetable;
- the outcome of the equality impact assessment.

Once the final report is approved by the Head of Resources/SMT or the governing body it will be notified to the employees in scope of the review and to their trade union and/or employee representatives.

Any change of employment status as a result of organisational change must be undertaken in accordance with the terms and conditions pertaining to each individual member of staff.

7 Redundancy

7.1 Definition of Redundancy

A redundancy is defined in the Employment Rights Act 1996 as a dismissal attributable wholly or mainly to:

- the fact that the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed; or has ceased, or intends to cease to carry on that business in the place where the employee was so employed; or
- the fact that the requirements of that business for employees to carry out work of a particular kind; or for employees to carry out work of a particular kind in the place where the employee was employed, have ceased or diminished or are expected to cease or diminish.

7.2 Job Security Measures

The council/school will always try to avoid redundancy as far as it is able. Measures to consider prior to any compulsory redundancy would include:

- Reduction or cessation of overtime – where possible and with due regard to the operational needs of the service/school, consideration will be given to the ceasing or reducing of overtime, if this assists in providing work for displaced employees.
- Reduction or cessation of work by consultants, contractors, casual and agency staff – where possible, and having regard to the contractual obligations and value for money considerations, the council/school will give consideration to ceasing or reducing work undertaken by consultants, contractors, casual and agency staff, if this assists in providing work for displaced employees. However the council/school cannot commit to increasing its funded establishment, nor can it reduce or cease work undertaken by contractors as a result of competitive tendering or market testing within the council/school, or where statutory duties need to be fulfilled.
- Voluntary reductions in hours worked and/or voluntary reduction in pay – where staff individually or collectively propose a voluntary reduction in working hours and/or pay to avoid redundancy, and where feasible, the council/school will only consider this once the full impact on an individual's earnings and pension contributions/future entitlements are understood and accepted.
- Management of the redeployment process and application of trial periods of employment to assess the suitability of alternative employment opportunities.

8 Selection for redundancy and appointment to new structure

8.1 Principles

The selection criteria as outlined in this section will be consistently applied to employees who are in posts identified as at risk of redundancy.

There will be no discrimination on account of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Endeavours will be made to make reasonable adjustments to jobs in accordance with the provisions of the Equality Act. Part time employees including job share partners will be treated in the same way as full time employees and their part time or job share status will not be a reason for selecting them for redundancy.

All employees on paid and unpaid maternity leave or shared parental leave have a right protected by law to return to their old job, or if it no longer exists, to be offered suitable alternative employment if available.

8.2 Selection criteria

Where the organisational change purely identifies a reduction in the number of positions within a service area, the relevant service manager or governing body with advice from the human resources provider where required will determine the pool of staff in scope and make clear to the affected employees and trade unions the criteria upon which selection is to be made. The diversity of the council's services means that the selection criteria will vary according to the service at risk. Selection may be based on a combination of criteria (which are not exhaustive) as set out below:

- The level of employee skills and experience required for the job/service/organisation.
- The competency requirements for the job/service/organisation.
- The standard of job performance and contribution as assessed and agreed in annual development reviews. In the absence of recent development reviews only differences in the standard of performance and contribution which can objectively be demonstrated to have an operational significance will be used as a basis for selection.
- Sickness absence but excluding those which are maternity related and/or disability related in which a reasonable adjustment can be made. The Attendance Management Policy specifies how absence records will be maintained.
- Current conduct and disciplinary records, and formal disciplinary action over the past 3 years as an indication of recent employment history.

8.3 Assimilation

Where the organisational change identifies a number of changes to positions then the appointment to the new structure of staff within scope of the reorganisation will be made firstly through a process of assimilation, then through assessment of the skills, qualification and competencies required in the new structure.

Assimilation is used when the old post is similar to the new post in duties, responsibilities and grade such that the employee can properly claim a match under the assimilation criteria (see Appendix B).

There are two types of assimilation, direct assimilation and assimilation by assessment. In some circumstances employees may have no opportunity for assimilation.

8.3.1 Direct assimilation

Service managers/headteachers and human resources as part of the consultation process will have used the job descriptions and person specifications or job summaries and generic role profiles to identify jobs in the new structure which are sufficiently comparable to those in the old structure to assess the case for direct assimilation to occur. This means that:

- There is a substantial match by at least 80% between the essential requirements of the new and old jobs based on a comparison between the job description and person specification or job summary and having consideration to whether this can be met
- There is a substantial match between the core competencies as reflected in the person specification/job summary required to do the job

In the event that the above criteria are met, the employee will be automatically slotted into the new post without any break in their period of employment.

If the manager/headteacher has not identified an 80% match, the employee may submit a case showing where they believe a match exists as set out in the assimilation guidance.

8.3.2 Assimilation by assessment

The purpose of the assessment is to ensure that candidates for assimilation have the knowledge and skills to undertake the essential duties of the new post. Assimilation by assessment is necessary for recruitment to those posts where there are more employees who meet the assimilation criteria above than jobs.

All eligible candidates will be assessed using the selection criteria above and may be required to attend a selection interview in accordance with the council's/school's recruitment and selection practices.

8.3.3 No assimilation

Remaining posts in a new structure will be offered for expressions of interest and those who would be eligible for consideration should be restricted to:

- (i) the staff in scope of the review i.e. those subject to formal consultation and who had been served their "at risk" letter as a result and
- (ii) all other staff within the council who have been formally served notices of dismissal and are working their periods of notice.

Other employees in the council/school who have received "at risk" letters but are not under notice of dismissal will not be eligible for consideration. Managers/headteachers will be expected to liaise with HR to ensure that all eligible staff are invited to consider vacancies.

*The purpose of including all staff in the council who are under notice of dismissal is to ensure compliance with legal obligations towards staff facing redundancy and to allow the widest manageable pool of eligible candidates for selection.

Employees who are unsuccessful in securing a post in the new structure are considered to be at risk of redundancy and will immediately become eligible for redeployment to suitable alternative posts across the council, (see section 10 for redeployment procedure).

* This paragraph can be removed by schools not wishing to follow this process.

9 Eligibility for redundancy payments and pension benefits

9.1 Eligibility for statutory redundancy payments

Redundancy payment only applies to employees who have entered into, or work under, a contract of employment with the Council, regardless of the number of hours worked per week, and have at least 2 years' continuous service. Exceptionally, staff who unreasonably refuse an offer of suitable alternative employment will have their contracts of employment terminated without entitlement to redundancy benefits. The decision to terminate a contract will be made by the appropriate senior manager or governing body, after discussion with the line manager/headteacher and in liaison with the HR provider.

Any dismissal of staff within community or controlled CE schools will be confirmed by the Deputy Director, Education and Inclusion Services in accordance with the staffing regulations.

9.2 Continuous employment for calculating statutory redundancy scheme payments

The amount of any statutory redundancy payment depends amongst other things on the period the individual employee has been continuously employed. Continuous employment for the purposes of statutory redundancy payments includes previous service with another local government employer or an employer listed in The Redundancy Payments (Continuity of Employment in Local Government etc) (Modifications) Order 1999 (as amended) immediately before joining the Council, unless there has been a break of more than a week, or unless a redundancy payment has already been awarded in respect of that employment.

For the purposes of these regulations a week begins on a Sunday and ends on a Saturday, and a contract of employment must be held in each week otherwise there will have been a break in continuous service. Your HR provider will provide advice on whether a break in service has occurred.

9.3 Statutory redundancy payments for eligible employees

The statutory entitlement for employees dismissed as redundant who have been continuously employed for two years are as follows:

- For each complete year of service up to for age under 21 – ½ a week's pay;
- For each complete year of service from age 22 to 40 inclusive – 1 week's pay;
- For each complete year of service from age 41 – 1½ week's pay;

A week's pay does not include non-contractual overtime and is the actual weekly pay over 12 weeks immediately preceding the date of dismissal up to and limited by the statutory weekly earnings limit.

The maximum service which can count is 20 years.

9.4 Pension benefits

9.4.1 Local government pension scheme

Under the Local Government Pension Scheme regulations redundant employees who are:

- aged under 55 are not entitled to immediate payment of their pension benefits. The pensions section can provide further information explaining the options available on the handling of the employee's accrued pensions rights;
- aged 55 or over and who have been members of the Scheme for at least two years are entitled to immediate payment of unreduced benefits. Human resources will provide

further information on the benefits payable and the payments arrangements via the pensions section.

9.4.2 Teachers' pension scheme

Under the Teacher's Pension Scheme regulations redundant employees who are:

- aged under 55 are not entitled to immediate payment of their pension benefits. The pensions section will provide further information explaining the options available on the handling of the employee's accrued pensions rights;
- *aged 55 or over and who have been members of the scheme for at least two years are entitled to have access to their unreduced benefits if they so wish. This is in line with the Premature Retirement Scheme for Teachers and Redundancy Scheme for school based staff. The pensions section will provide further information on the benefits payable and the payments arrangements.

*This entitlement is currently under review.

10 Redeployment

10.1 Responsibilities

Redeployment of staff is a joint responsibility between the employee under notice, their line manager or the school and HR. In addition, those responsible for recruitment in the school or service area are expected to make every effort to secure employment for staff under notice, taking into account how quickly and effectively the employee would be able to perform the role to the required standard given the appropriate training and management support.

10.1.1 Employee responsibilities:

During the redeployment period all employees under notice, including anyone absent for any reason, will be required to:

- meet with their line manager/headteacher to discuss their employment position. They may be accompanied by their trade union representative or a work colleague at such meeting(s);
- complete a curriculum vitae (CV) (Appendix C) and submit to the line manager/headteacher at the start of the process. The CV will be used in place of an application form for apply and matching to potentially suitable vacancies which may arise during the redeployment period;
- make all reasonable efforts to identify suitable posts e.g. by studying the weekly redeployment vacancy list, which will be made available by means of an electronic copy/Intranet (*not applicable where governing body is the employer*);
- submit an expression of interest form and CV to HR for any suitable post and attend any meetings or interviews for any suitable posts as required by the recruiting manager;
- keep in regular contact with their line manager/headteacher, particularly if they are absent on sick leave;
- undertake appropriate training should this be required.

10.1.2 Line Manager responsibilities

During the redeployment period, the employee's line manager/headteacher will:

- meet regularly with the employee to discuss progress and offer support and guidance;
- ensure their staff receive copies of all applicable vacancy bulletins and all relevant information;
- liaise with council HR over possible redeployment opportunities
- liaise as necessary with HR, to discuss redeployment opportunities for the employee under notice and arrange interviews

10.1.3 HR responsibilities

The HR Team will (only applicable to schools where the council is the employer):

- operate the redeployment register;
- ensure that managers are informed when a potentially suitable candidate is identified for a vacancy and place the vacancy on hold while an individual on the redeployment register is being considered;
- support line managers in assessing redeployment opportunities for staff at risk.

10.1.4 Schools where the governing body is the employer

Where the governing body of the school is the employer they should:

- take advice from their HR provider to ensure that the school's redeployment register/process is operated fairly;
- ensure that employees are notified of all vacancies during the redeployment period;
- ensure that school vacancies are not advertised externally (there may be exceptions to this, e.g. teaching vacancies, please take appropriate advice) until all employees under notice have had the opportunity to consider the vacancy

10.2 Eligibility

Once the redeployment period starts, employees will be able to access the employment support facilities and receive priority consideration for vacancies within the council and school (*not applicable where the governing body is the employer*).

Eligibility for redeployment period is as follows:

10.2.1 Recruitment to general vacancies:

Employees who are under notice of termination by reason of redundancy will be eligible to be placed on the redeployment list and for prior consideration for general vacancies.

Employees who have received an "at risk" letter, but are not under notice of dismissal, will not be placed on the redeployment list and therefore will not be eligible for prior consideration.

10.2.2 Recruitment to a new structure:

Those staff eligible will be restricted to:

- the staff in scope of the review i.e. those subject to formal consultation and who had been served their "at risk" letter as a result and
- all other staff within the Council who have been formally served notices of dismissal and are working their periods of notice.

Other employees in the council who have received "at risk" letters but are not under notice of dismissal will not be eligible for consideration.

N.B For schools where the governing body is the employer, employees will only be entitled to apply for and receive priority consideration for vacancies within that school and will not be added to the council's redeployment list.

10.3 Recruitment under redeployment

The council's/school's standards regarding recruitment and selection will apply when considering staff for redeployment.

Selection decisions will need to take into account any gaps in skills identified in comparison with the person specification/generic role profile/job summary and whether these gaps can be bridged by reasonable and appropriate training, coaching or guidance together with any need to make reasonable adjustments as required by the Equality Act 2010. Consideration needs to be given as to whether such gaps can reasonably be met. Unless demonstrably unsuitable, it is expected that the employee under notice will be redeployed into a suitable vacancy.

An employee facing redeployment is entitled to apply for any post and will be eligible for full consideration under this policy, whether the post is graded the same, higher or lower than the employee's substantive grade, where their skills, qualifications and competencies match.

10.4 Offers of redeployment

Where an offer of redeployment is made it will be put in writing by human resources and the following conditions will be included.

10.4.1 Pay

Employees redeployed to posts on the same substantive grade will retain their current salary and incremental date.

Employees redeployed by reason of redundancy to posts graded lower than their substantive grade will receive salary protection limited to a period equivalent to the period of notice to which they would have been entitled.

Appointment to the new lower graded post will normally be made at the maximum of the grade unless the new manager/headteacher determines that the level of competency the employee brings to the role is insufficient to justify the maximum of the grade, in which event a lower salary point would be offered and applied.

Employees who are redeployed on grounds other than redundancy to a post graded lower than their substantive grade will not receive any salary protection.

Staff employed on Teachers Pay and Conditions will receive salary protection in accordance with the School Teachers' Pay and Conditions Document.

10.5 Other allowances and/or equipment

Allowances and/or equipment relating solely to the post held by an individual e.g. car user allowance, mobile phone etc., are not transferable. Only allowances and/or equipment applicable to the new post will apply from the date the new post is taken up.

10.6 Trial period

Employees who are redeployed will be given a trial period of a maximum of four weeks from the start of engagement of work into the new post. The purpose of the trial period is to allow individual employees and the recruiting manager/headteacher to determine whether or not the post to which an individual has been placed is suitable. Formal reviews will take place between the individual and the manager during and towards the end of the trial period. Written confirmations of such reviews should be issued to the employee.

The trial period may be extended in individual cases, for training purposes or in extenuating circumstances, at the discretion of the line manager/headteacher in consultation with HR. Any agreed extension must be confirmed in writing to the employee.

At the end of the trial period employees are either:

- confirmed in their new post; or
- unsuccessful in the new post and the individual is placed back on the redeployment register for the remainder of the redeployment period.

10.7 Job and Location Mobility

The school and/or council reserve the right to terminate the redeployment arrangements if it considers during or after the trial period that the employee is unsuitable in the new post. Where this right is exercised, the reasons will be explained, discussed and confirmed in writing to the employee, who will have the right to be accompanied at any such meeting by a work colleague or trade union representative. Job and Location Mobility

Job and location mobility is set out within individual contracts of employment. For those employed under Isle of Wight Council terms and conditions, there is a contractual requirement for individual employees to accept any suitable alternative post and to relocate to other places of work, as deemed reasonable. This may include working from home, other council premises, or from premises of partner organisations on the island or on the mainland.

Employees at risk of redundancy who unreasonably refuse suitable alternative employment may be liable to dismissal, and as a result may forfeit any entitlement to redundancy pay and pension if applicable.

10.8 Termination of employment

If all attempts to redeploy an employee are unsuccessful by the end of the notice period, their employment will be terminated in accordance with the dismissal notice letter received.

11 Re-engagement

Council employees whose appointment is terminated on a voluntary redundancy basis, or who accept early retirement, will not normally be re-engaged in direct council employment, including council schools, for a period of 6 months or a consultancy basis for a period of two years unless approved on an exceptional basis by the Head of Resources. Service managers or the chair of governors are required to submit a business case if wanting to re-engage in these circumstances, the business case template is at Appendix D.

The general rules relating to re-engagement are as follows:-

- any return to the school/council's employment must be via the normal process of competitive selection;
- the return should not be to the same or a closely related post, as this would call into question the original decision to declare the post redundant - managers/headteachers should discuss with HR before making any such appointment decisions;
- the employee must not take up the post (if they are to be directly employed) any sooner than four weeks after the effective date of redundancy or early retirement, or they will forfeit the original redundancy payment and pension entitlement will be affected;
- anyone re-employed will be treated as a new starter. Any previous service with the school/council or other related body will not count towards entitlements to notice periods, sick leave, or other benefits dependent upon continuous service.

12 Annual leave/time off provisions and repayment of outstanding loans

12.1 Annual leave

An employee (except teachers and term-time only staff) made redundant will receive pro rata leave entitlement up to their last day of service. Exceptionally where the redundancy is sudden and unexpected the council may, at its discretion, not recover any leave taken in excess of entitlement.

Where employees are made aware of impending redundancies a reasonable period of time in advance of being made redundant, they will be expected to take leave, subject to the operational needs of the council. Adjustments will be made against final salary in respect of any leave taken in excess of entitlement.

12.2 Time off

Employees under notice of redundancy will be allowed reasonable paid time off to look for new employment including attending job interviews and to arrange for training for that employment.

12.3 Repayment of outstanding loans/advances

Where an employee who is made redundant has money owing to the council/school e.g. relocation allowance, car loan, funding for training, etc, the total amount outstanding is normally offset in full against any final salary and other payments from the council. If there are insufficient funds to take the amount owing from the final salary then a re-payment plan can be set up by discussing with payroll.

13 Appeals

If any employee is dissatisfied with the way in which s/he has been dealt with under the terms of this policy s/he has the right of appeal.

13.1 The appeals procedure:

- The employee should write to the Strategic Manager for HR/Clerk to the Governing Body within ten working days of the date of the decision letter. S/he will acknowledge receipt of the appeal and appoint an HR Adviser to manage the case or advise the governing body to appoint an Appeals Panel.
 - The employee must state clearly the grounds of the appeal, i.e. why s/he is dissatisfied with the application of the Organisational Change Policy and Procedure for one or more of the following grounds:
 - the decision to select was perverse (in other words, that no reasonable employer would have selected the employee given the selection criteria);
 - the decision to select was unfair (in other words, that the selection criteria actually pointed to other employees and not to the appellant);
 - the decision to select was unreasonable (in other words, that the appellant believes that the selection was made on other grounds than the criteria)
 - failure to be offered a trial period in a particular post;
 - failure to be included in a particular 'ring fenced' group;
 - failure to be appointed to a post in the new structure
 - the suitability of offers of alternative employment
 - incorrect application of the redeployment process
 - Appeal against dismissal can only be made when the selection and consultation processes have run their course and the decision to dismiss has been confirmed to the employee.
 - The appeal will, wherever possible, take place within 15 working days of receipt of the employee's written notice of appeal. This period may be extended where necessary.
 - For council staff, the appeal will be heard by a senior manager ("the appeal manager") who has not been involved in any part of the proceedings. In the case of a Director or Head of Service, the appeal will be heard by an appeal committee constituted by the Head of Resources.
- Or**
- For school staff, the appeal will be heard by a panel of three governors who have not been involved in any part of the proceedings.
 - The employee will be invited in writing to attend an appeal hearing and will have the right to be accompanied by a trade union representative or work colleague. The employee and his/her representative or companion must take all reasonable steps to attend.
 - The purpose of the appeal hearing is to consider any representations from the employee or his/her representative.
 - The employee is entitled to give a full account of his/her case and must provide any supporting evidence for the basis of his/her appeal to the HR Adviser or Clerk to the Governing Body (for schools) seven working days prior to the appeal hearing date. The employee must also

provide the name of any witnesses s/he wishes to call at least two working days prior to the hearing.

- The manager/headteacher or the nominated person of the governors who made the decision which is the subject of the employee's appeal must provide a management case statement to the HR Adviser or Clerk to the Governing Body (for schools) seven working days prior to the appeal hearing date. The manager/headteacher or nominated person must also provide the names of any witnesses s/he wishes to call at least two working days prior to the hearing.
- All parties will receive a copy of the evidence provided to the appeal manager/appeals panel five clear working days prior to the hearing.
- The appeal manager (or appeals panel in the case of a director/head of service/school staff) will:
 - consider all the evidence, including any new evidence (provided this has been shared with the parties prior to the hearing);
 - determine whether the grounds for the previous decision were valid;
 - determine whether the previous decision is upheld or not upheld; and
 - identify any actions that should be taken as a result of this decision.
- As soon as possible after the conclusion of the appeal hearing, the appeal manager (or chair of the appeals panel) will convey the decision verbally to both the employee and the person who made the previous decision.
- The decision, including rationale, will be confirmed in writing to the employee within five working days of the appeal hearing.
- The decision made at the appeal is final and ends the internal procedure.

14 APPENDIX A – List of Recognised Trade Unions

- GMB
- National Society for Education in Art and Design (NSEAD)
- UNISON
- UNITE
- Association of School and College Leaders (ASCL)
- Association of Teachers and Lecturers (ATL)
- National Association of Headteachers (NAHT)
- National Association of Schoolmasters / Union of Women Teachers (NASUWT)
- National Union of Teachers (NUT)
- VOICE

15 APPENDIX B - Assimilation

Direct assimilation requires a match by at least 80% between the current and proposed job descriptions and person specifications/job summary. JDs and PSs/job summaries may not always be adequate or even exist particularly in relation to the employee's current role. It is essential that the correct description of roles is being assessed.

The following process sets out a way to assess reasonably whether a match is justified. Assimilation is a very important process and must be carried out prior to other change processes within a restructure, because where direct assimilation is evident it removes an employee from being at risk of redundancy.

Submitting a Case

Employees need to submit their case showing where they believe a match exists. This is normally done by setting out the similarities between their current JD/ PS or job summary and the proposed JD/PS or job summary. There is no particular format that is required, as long as the employee has submitted a full enough comparison for consideration.

The advantage of employees submitting their case is to ensure that the matching exercise is being carried out on the right JD/PS or generic role profile and job summary. From the outset it is imperative that the baseline information being used for the comparison is correct, especially where current JD's/PS's/generic role profiles/job summaries may be inadequate or out of date.

Comparisons must be made on the JD's and PS's/job summaries. Personal qualities, capabilities and potential of the employee are not brought in to play. Any shortcomings in these areas should have been addressed under other procedures and the assimilation process is entirely inappropriate for this.

If a current JD/PS or job summary are out of date and do not fully reflect the range of duties and responsibilities carried out, it is important to clarify with the employee the nature of the work currently being done, and to take a view whether this has been the situation sufficiently long enough to be considered as a realistic and reasonable description of the job.

Occasional, ad hoc activities that do not appear in the JD & PS or job summary should not be taken into account for the assessment.

Carrying out the assessment

Whether a minimum 80% match is achieved depends on a number of factors being taken into account. Whilst the wording of JD's and PS's or job summaries may appear similar, it is important to assess whether the new role is operating at a similar level to the current role. The following is not an exhaustive or prescriptive list but gives an indication of factors that may be taken into account.

- The range or span of responsibilities between the roles e.g. is there a significant difference between the two.
- The leadership or management responsibility of the roles e.g. is there a significant difference in the management expectations such as number and diversity of direct reports, upward line management accountability, diversity of budget management responsibilities and so forth.
- The strategic positioning of the roles e.g. in terms of the status, influence or influencing positions of the role.

-
- The partnership working of the roles e.g. the contact and purpose of connections with other partner organisations, elected members, outside bodies.
 - The levels of authority and decision-making autonomy and accountability between the roles.
 - The range of skills and experience reasonably required to fulfil the roles.

There is no formulaic approach to the assessment process, but by using the above as a framework it will allow a sufficiently comprehensive review to be carried out.

The decision whether the 80% threshold has been achieved therefore takes into account quantitative and qualitative factors of the posts being compared.

16 APPENDIX C – Template CV

Name:	
Contact number:	e-mail address:
Home address:	
Profile / Personal Statement	
Current position, employment history and experience	
Employer	Job Title
Address	
Period of employment	
Job purpose and key achievements	
Key skills of the job	
Employer	Job Title
Address	
Period of employment	
Job purpose and key achievements	
Key skills of the job	
Employer	Job Title
Address	
Period of employment	
Job purpose and key achievements	
Key skills of the job	

Skills, competency scores and achievements		
Education and qualifications (include level and date achieved)		
Training and vocational skills		
Preferred future employment choices (identify any restrictions)		
I am interested in IWC only	I am interested in public sector jobs only	I am interested in sharing this information with all potential employers
Any exceptions	Any exceptions	Any exceptions

17 APPENDIX D – Re-engagement Business Case

Re-engagement of staff following voluntary redundancy or early retirement

1. Name of former employee proposed to re-engage:

2. Previous job title, grade and Directorate with the Council:

3. Date of voluntary redundancy or early retirement:

4. Post and grade to which it is proposed to appoint:

5. Possible start date:

6. Date of approval to fill post by Vacancy Authorisation Panel:

7. Why has the post not been filled by other means?

Please give details of:

- any redeployment candidates and why not successful for the role;
- any other recruitment attempts and
- possible reallocation of duties of the post to other staff

8. Special circumstances of the re-engagement

Please give details such as appropriateness of a temporary or fixed term appointment, or any other relevant factor to the request

Signed: (Director)

Approved: (Director of Resources)

Approved: (Head of HR)