

Isle of Wight Council
RESTRUCTURING,
REDUNDANCY &
REDEPLOYMENT POLICY
September 2018

1 Document Information

Title:	Restructuring, Redundancy & Redeployment Policy
Status:	Final
Current Version:	V1.2
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Consultation:	<p>Trade Unions The NUT – does not ratify this policy, specifically paragraph 9.3 Statutory redundancy payments for eligible employees.</p>
Approved by:	
Approval Date:	
Review Frequency:	Three Years
Next Review:	2021

Version History		
Version	Date	Description
V1	June 2016	First draft of combined Org change, redundancy & redeployment procedure to cut down on duplication in policies and provide a more streamlined process to follow. For legal checks and consultation with unions.
V1.1	June 2016	Second draft following comments from legal and HR Advisors.
V1.2	April 2017	Further draft following comments from Trade Unions and Head of Service.
V1.3	September 2018	Update to redeployment section and pension section of policy. Update to policy title.

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3 Policy Statement Overview and Introduction

This policy sets out the employee relations aspects of restructuring as it affects council and maintained school employees.

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

It is recognised that when restructuring occurs it needs to be managed effectively, and the impact on staff managed sensitively. Managers, with advice and guidance from human resources are responsible for the effective management of the restructuring procedure and will work constructively with staff and their representatives throughout. Equally, it is expected that in return, staff and their representatives work constructively with managers during any period of restructuring.

At times of restructuring, the aim will be 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 restructuring

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 best endeavours will be made to offer suitable alternative employment to employees displaced because of:

- changed organisational circumstances or,
- 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.

The generic term manager is utilised for the purposes of descriptor within this policy. For school based staff this should be regarded as the Headteacher and/or School Governor(s) depending on the scheme of delegation. Similarly, for school based staff, references to human resources should be regarded as the contracted human resources provider, unless stated otherwise.

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

3.3 Advice & guidance

It is appreciated that you may feel unsettled during times of restructuring. 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. You may use this service to talk with trained counsellors regarding any personal concerns you 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 Restructuring

4.1 Principles:

Managers must, in applying this procedure:

- consult with their staff, recognised trade unions (see Appendix A) and/or nominated 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 Business Case for Change

Council:

Managers will be required to prepare a service re-design report (with HR Lead advice and guidance and legal advice as necessary) setting out the proposed changes. This report will be reviewed by the Director of Corporate Services and may also be submitted to the Senior Management Team (SMT) for their consideration, depending on the nature of the proposed changes. This is to provide quality assurance monitoring of proposals and any wider implications that the proposals may have on other aspects of council-wide operational activities. 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:

Managers will be required to prepare a service re-design report setting out the proposed changes. This report must be submitted to the school's nominated HR contact with the council using the following email address HR@iow.gov.uk. This report will be reviewed to ensure that any proposed redundancies are true redundancies in line with the council's guidance. Managers are 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 children's services senior managers and representatives of the council's HR and Finance teams. The panel may ask for additional information if deemed necessary.

Managers 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 human resources);
- 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

Where redundancies are to be proposed, both collective consultation (with the recognised trades unions and/ or nominated 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.

Once a business case for change has been approved in accordance with the procedure set out above, managers will make the proposals available to all those staff falling in scope of the review, together with their recognised trade unions and/or nominated employee representatives for comment and consultation. A minimum period of time of 10 days (not including weekends or bank holidays) will be allowed for consultation (unless reduced by mutual agreement with those affected), or in accordance with any statutory minimum periods where they are applicable (see below under section 5.1 – collective consultation).

It is for the council/school to decide the size and organisation of the workforce required 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.

Managers are required to notify any staff whose post may be at risk of redundancy, in writing, at the start of the consultation period.

5.1 Collective consultation

This will take place with recognised trades unions and/or nominated employee representatives of those who may be dismissed by way of redundancy as follows:

- 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.

Managers in conjunction with human resources will advise trade unions in writing 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 will be considered by the manager with advice from human resources as required, and a response to those representations will be sent to all parties in writing. If the representations are to be rejected, an explanation will be provided by the manager as part of the response.

Specifically as required under current legislation and within the specified timescale, the council human resources service 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

Managers will offer you the opportunity of a one to one meeting with them to discuss specific issues relating to the possible redundancy/change in role.

The purpose of this meeting will be to review your position, options available and in particular to:

- Ensure that you understand the implications for yourself arising from a restructure;
- Identify potential roles in the new structure for which you 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 you to express your order of preference for each of the options.

You have the right to representation at these meetings from either a trade union representative or work colleague.

If you are on maternity, paternity, shared parental leave, adoption leave, long term sick leave, external secondment, or a career break, etc. you will be treated no differently from other employees when applying this procedure. Managers will ensure that you are engaged at all stages and kept informed of all changes on a regular basis. It is important that you make contact details available to your manager for this purpose.

6 Confirmation of new staffing structure

At the conclusion of the consultation period, if there are no changes to the original proposal you will be notified as well as your trade union and/or employee representatives.

If amendments have been made to the original proposals, managers will prepare a final report which will be reviewed by the Director of Corporate Services and may also be submitted for consideration by the Senior Management Team as necessary. 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 has been approved, the outcome will be communicated to you, your trade union and/or nominated employee representatives.

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

It is always the aim to try and avoid redundancy as far as it is possible. Measures to consider prior to any compulsory redundancy would include:

- A 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. Consideration will be given to ceasing or reducing work undertaken by consultants, contractors, casual and agency staff, if this assists in providing work for displaced employees. However it is not possible to commit to increasing the funded establishment, nor can a reduction or ceasing of 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, these will only be considered 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 you if you are in a post 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. If you are a part time employee including job share partners you will be treated in the same way as a full time employee and their part time or job share status will not be a reason for selecting them for redundancy.

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

8.2 Selection criteria

Where the restructure purely identifies a reduction in the number of positions within a service area your manager, with advice from human resources where required, will determine the pool of staff in scope and make clear to you 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 restructure 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 you 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 you may have no opportunity for assimilation.

8.3.1 Direct assimilation

Your manager and human resources, as part of the service redesign report, 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, you will be automatically slotted into the new post without any break in your period of employment.

If your manager has not identified an 80% match, you may submit a case showing where you 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 employees 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 employees within the council who have been formally served notices of dismissal and are working their periods of notice.

Other employees who have received "at risk" letters but are not under notice of dismissal will not be eligible for consideration. Your manager will be expected to liaise with human resources 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.

If you are unsuccessful in securing a post in the new structure you will be given formal notice of dismissal 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 follow this process.

9 Eligibility for redundancy payments and pension benefits

9.1 Eligibility for statutory redundancy payments

Redundancy payment only applies to you if you 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, if you unreasonably refuse an offer of suitable alternative employment you will have your contract of employment terminated without entitlement to redundancy benefits. The decision to terminate a contract will be made by the appropriate senior managers, in liaison with human resources.

Any dismissal of staff within maintained 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 you have 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. Human resources 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 age 21 inclusive – 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 Redundancy and Pension Estimate

You are entitled to be provided with a statement explaining how your redundancy payment has been calculated.

A redundancy estimate and pension estimate (if appropriate) must be requested from HR. You are responsible for checking the details and contacting HR immediately with any inaccurate information e.g. date of birth, date entered service or salary.

If you are given access to your pension upon being made redundant, it is recommended that you speak to an Independent Financial Adviser for advice on the pension you will receive.

Additionally, information regarding specific Pension Schemes can be found on the following links:

<https://www.lgpsmember.org/>

<https://www.teacherspensions.co.uk/members/member-hub.aspx>

The Pensions Team will only provide one estimate and are happy to help you in understanding any pension's information you have received, but are unable to give any financial advice. The Pensions Team is available via email to pensions@iow.gov.uk . It is the responsibility of the employee to obtain pensions advice.

10 Redeployment

10.1 Responsibilities

Redeployment of staff is a joint responsibility between you, as the employee under notice, your manager and human resources. In addition, those responsible for recruitment are expected to make every effort to secure employment for employees 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 if you are under notice, including absence for any reason, you will be required to:

- meet with your manager to discuss your employment position. You may be accompanied by your trade union representative or a work colleague at such meeting(s);
- submit your up to date CV your manager at the start of the process. The EOI will be used in place of an application form for applying 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. Maintained school based staff under notice should email HR@iow.gov.uk to be added to the council redeployment vacancies distribution list ;
- submit an EOI form to your HR Adviser 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 your manager, particularly if you are absent on sick leave;
- undertake appropriate training should this be required.

10.1.2 Manager responsibilities

During the redeployment period, your manager will:

- meet regularly with you to discuss progress and offer support and guidance;
- ensure you receive copies of all applicable vacancy bulletins and all relevant information;
- liaise as necessary with the council human resources team, to discuss redeployment opportunities for the employee under notice and arrange interviews.

10.1.3 Human Resources responsibilities

Human resources will (only applicable to maintained 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 managers in assessing redeployment opportunities for employees 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 human resources 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, you will be able to access the employment support facilities and receive priority consideration for vacancies within the council and maintained school (*not applicable where the governing body is the employer*).

Eligibility for redeployment period is as follows:

10.2.1 Recruitment to general vacancies:

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

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

10.2.2 Recruitment to a new structure:

When recruiting to a new structure those who would be eligible for consideration should 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.

If you are an employee in the council who has received "at risk" letters but are not under notice of dismissal you will not be eligible for prior redeployment 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.

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

If you are redeployed into a short-term, fixed term post of 3 months or less, your redundancy payment will be put on hold and you will remain on the redeployment register for the period of the contract. If no further redeployment is found during that time you will be paid your redundancy pay at the end of the fixed term contract.

If you choose to apply for a long-term, fixed term post of more than 3 months to cover a member of staff on a period of leave (e.g. maternity, sickness, career break etc.) via redeployment, then if you are successfully appointed, at the end of that fixed term contract, you will not be entitled to a redundancy payment if the post that you have been undertaking is not being made redundant.

If you are redeployed into a long-term, fixed term contract for more than 3 months, for any reason other than to cover a member of staff on a period of leave, the usual process for ending a fixed term contract will apply and you will be issued your contractual notice period at the appropriate time and placed back on the redeployment register for the period of your notice. A redundancy payment will then be paid if no successful redeployment is found.

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

If you are redeployed to a post on the same substantive grade you will retain your current salary and incremental date.

If you are redeployed by reason of redundancy to a post graded lower than your substantive grade you will receive salary protection limited to a period equivalent to the period of notice to which you 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 determines that the level of competency you bring to the role is insufficient to justify the maximum of the grade, in which event a lower salary point would be offered and applied.

If you are redeployed on grounds other than redundancy to a post graded lower than your substantive grade you will not receive any salary protection.

If you are employed on Teachers Pay and Conditions you 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 your post 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

If you are redeployed you 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 you and the recruiting manager to determine whether or not the post to which you have been placed is suitable. Formal reviews will take place between you and your manager during and towards the end of the trial period. Written confirmations of such reviews should be issued to you.

The trial period may be extended in individual cases, for training purposes or in extenuating circumstances, at the discretion of the manager in consultation with human resources. Any agreed extension must be confirmed in writing to you.

At the end of the trial period you will be either:

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

If it is deemed that, during or after the trial period that you are unsuitable in the new post, the redeployment arrangement may be terminated. In this instance, the reasons will be explained, discussed and confirmed in writing to you and you will have the right to be accompanied at any such meeting by a work colleague or trade union representative.

10.7 Job and Location Mobility

Job and location mobility is set out within individual contracts of employment. If you are employed under Isle of Wight Council terms and conditions, there is a contractual requirement for you 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.

If you are a council employee at risk of redundancy and you unreasonably refuse suitable alternative employment you 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 you are unsuccessful by the end of the notice period, your employment will be terminated in accordance with the dismissal notice letter issued to you.

11 Re-engagement

If you are a council employee whose appointment is terminated on a voluntary redundancy basis, or who accepts early retirement, you will not normally be re-engaged in direct council employment, including council maintained 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 Director of Corporate Services. Managers 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 should discuss with human resources before making any such appointment decisions;
- you 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;
- if you are re-employed you 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

With the exception of teachers and term-time only staff, if you are made redundant you will receive pro rata leave entitlement up to your 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 you are made aware of an impending redundancy a reasonable period of time in advance of being made redundant, you 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

If you are under notice of redundancy you 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

If you are made redundant and have 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/school. If there are insufficient funds to take the amount owing from the final salary then a re-payment plan will be set up with you by your payroll provider. In this scenario, where the council is your payroll provider, please contact Payroll@iow.gov.uk).

13 Appeals

If you are dissatisfied with the way in which you have been dealt with under the terms of this policy you have the right of appeal.

13.1 The appeals procedure:

- You should write to the HR Manager and Principal Lawyer/Clerk to the Governing Body within ten days (not including weekends or bank holidays) of the date of the decision letter. S/he will acknowledge receipt of the appeal and appoint a HR Adviser to manage the case or advise the governing body to appoint an Appeals Panel.
 - You must state clearly the grounds of the appeal, i.e. why you are dissatisfied with the application of the Restructuring, Redundancy and Redeployment for one or more of the following grounds:
 - the decision to select was perverse (in other words, that no reasonable employer would have selected you 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 you);
 - the decision to select was unreasonable (in other words, you believe 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
 - An 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 you.
 - The appeal will, wherever possible, take place within 15 days (not including weekends or bank holidays) of receipt of your written notice of appeal. This period may be extended where necessary.
 - For central 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 maintained school staff, the appeal will be heard by a panel of three governors who have not been involved in any part of the proceedings.
 - You 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. You and your representative or companion must take all reasonable steps to attend.
 - The purpose of the appeal hearing is to consider any representations from you or your representative.
 - You are entitled to give a full account of your case and must provide any supporting evidence for the basis of your appeal to the HR Adviser or Clerk to the Governing Body (for schools) seven days (not including weekends or bank holidays) prior to the appeal hearing date. You

must also provide the name of any witnesses you wish to call at least two days (not including weekends or bank holidays) prior to the hearing.

- The person who made the decision to make your position redundant 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 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 you and the person who made the redundancy decision.
- The decision, including rationale, will be confirmed in writing to you within five days (not including weekends or bank holidays) 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 – Expression of Interest Form

Name:	
Current Post:	
Post(s) applying for:	
Please provide any information that you feel may be relevant to support your interest in this post (e.g. attach CV):	
Signature:	Date:

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: (HR Manager)