Newcastle University Redeployment Procedure

A Manager’s Code of Practice is available and should be read in conjunction with this procedure before commencing redeployment. The University undertakes that all aspects of the Redeployment Procedure will be fully compliant with legal requirements and with ACAS guidelines.

1. Background

The University views security of employment of its employees as an important part of maintaining a positive working environment and will seek to safeguard this through effective planning of its affairs. The University will endeavour to avoid compulsory redundancy wherever possible and one of the measures the University will use to achieve this objective is to seek to identify suitable alternative employment through redeployment. Employees will normally be redeployed to working arrangements similar to those currently enjoyed where this is possible. This procedure shall apply to all employees who have one or more years’ service at the date redundancy is proposed.

Current immigration legislation imposes a duty on the University to carry out a resident labour market test in order to employ non-EEA nationals who require sponsorship under Tier 2 (general) of the points based system. A requirement of this is to advertise vacancies for a minimum of 28 days externally with the exception of those cases where the individual will be redeployed into a role in the same standard occupation classification (SOC Code) as defined by the UKVI.

2. Eligibility for Priority Consideration

Employees who are at risk of redundancy will be placed on the University’s redeployment register as soon as it is known that their post is at risk and will be eligible for priority consideration which means that they will be considered for any existing vacancy before that vacancy is advertised internally, or externally.

The objective of the priority consideration scheme is to enable employees to continue in employment in a new position that is comparable to their previous position in contractual terms such as: grade, rate of pay, hours of work, type of contract, and in occupational terms such as: type of work, skills and competencies required, etc. It is acknowledged that exact matches will not always be possible; therefore flexibility and an open-minded approach will be required from both the employee and the members of management concerned. It is also expected that recruiting managers should be sympathetic to redeployees who wish to move into new areas.

3. Priority Consideration

Eligible employees shall receive the following priority consideration:

· to be in competition only with other priority redeployees for suitable vacancies (as defined below);

· where there is only one priority applicant for a suitable vacancy, the employee will be redeployed to that vacancy provided that they satisfy the essential requirements of the person specification as stated in the documentation provided to applicants or can meet such requirements with reasonable training. (This assessment may be based solely on an application made via e-recruitment or may be by a formal panel interview. Where the criteria would normally be assessed via tests it may be necessary for the redeployee to undergo testing. References may also be taken up as part of any assessment of an application);
where there is more than one priority applicant for a suitable vacancy, the applicants will be assessed as described above and one of those applicants will be redeployed to that vacancy provided that the essential requirements of the person specification as stated in the documentation provided to applicants are satisfied or can be satisfied with reasonable training.

- it is acknowledged that a redeployee may not necessarily be the best possible person for the job, and that the expectation is that the redeployee should be able to perform the job to a good standard.

- in the event of the new employment being at a lower salary, the employee will receive protection of existing salary, for a period of one year, during which time the salary will not attract any increment or increase from annual pay awards until such time as the basic salary level for the new employment is equal to that previously enjoyed or upon completion of a year’s salary protection, whichever occurs sooner. Pay awards with an effective date on or before the date of notification of redundancy, but implemented afterwards, will be included. Protected salary will mean basic salary without overtime or other payments. Redeployees working reduced hours will receive pro rata payment in relation to their actual working hours.

- Following the period of salary protection, the salary paid to the employee should be as close as possible to the protected salary. Account will need to be taken of the relevant skills and experience the redeployee brings to the post as well as comparability to other experienced employees doing the same or similar job.

Where the new employment is for different hours, either more or fewer than the previous post, this will be taken into account in determining the extent of salary protection.

Where a part time redeployee wishes to be considered for a post requiring longer hours, the academic/service unit will consider the request for a part time position against the business needs of the role, taking into account issues such as:

- impact on quality
- impact on performance
- ability to find extra staff
- burden of additional costs to the business
- ability to meet customer demands
- ability to re-organise work within available staffing
- sufficiency of work during the periods the employee proposes to work

4. Suitable Vacancies

Employees identified at risk will be registered on the University redeployment web site unless they specify otherwise. This will enable them to receive prior notification of vacancies within the University via electronic job alerts. Vacancies will appear on this site for one week prior to being advertised more broadly, and will be available only to redeployees during this time. To express an interest in an internal vacancy, employees are advised to apply for the vacancy during the period the advertisement appears on the Redeployment site.

Ideally, suitable redeployment opportunities will be at the same grade but in the absence of vacancies at that level, positions one grade lower would be considered. This may also include vacancies with different hours from the existing contract. Eligible employees will be able to access support from the Staff Development Unit in developing their CV and interview skills.
Eligible employees applying for vacancies advertised outside of the redeployment website, having previously been advertised on the redeployment website for 1 week, or higher graded posts, will not be given priority consideration. They will be in open competition with internal and external applicants. They will not receive any period of salary protection if appointed to such a vacancy. However, application for such vacancies will not affect their remaining on the redeployment register and being eligible for priority consideration for posts that are advertised at, or one grade below, their present grade on the redeployment website.

5. Interview and assessment process

All applications received under the priority consideration process will be reviewed by a panel constituted in accordance with the University’s guidelines. For academic units, the unit manager (or nominee) should be a member of the panel.

As part of the assessment process the panel will request information from the applicant’s previous line manager as to whether in his/her opinion the applicant meets the essential requirements of the person specification as stated in the documentation provided to applicants, or could meet such requirements with reasonable training.

Where it is decided to hold interviews, redeployees will be given reasonable notice by email of the time and place of the interview, together with the names of those present on the interview panel [constituted as described above], and within reason will be offered alternative times if necessary. Where redeployees are expected to give a presentation as part of the interview, the length, format, and aims of the presentation will be specified by email at least 5 working days prior to the interview.

Candidates will be assessed on a single criterion: whether they meet the essential requirements of the person specification as stated in the documentation provided to applicants, or could meet such requirements with reasonable training. A written record of the assessment of each candidate will be made and retained by the Chair. Where the panel considers that the above criterion has been met, the post will be offered to the redeployee candidate that most fully satisfies the criterion or to the sole redeployee candidate where there is only one applicant. The offer will contain all of the information [including period of employment, starting salary, and any salary protection] that the redeployee would reasonably require in order to make an informed judgement of the acceptability of the post. The employee will have a period of two working days to decide whether or not to accept that offer.

Where the panel considers that the criterion has not been met by any of the applicants, the redeployee(s) will be informed in writing by the Chair of the reasons for rejection and of the right to appeal. No person may be appointed to the vacant post within 5 working days of the decision being reached and not thereafter until the outcome of any pending appeal has been decided.

6. Obligation of Redeployees

Employees are expected to activate job alerts on the redeployment system as quickly as possible following confirmation from HR that they have been added to the redeployment website. They should also monitor on an on-going basis the alerts to ensure they identify and apply for suitable vacancies within the prescribed timescales.

Employees seeking priority redeployment must prepare properly for all interviews to which they are invited and are expected to make genuine and serious efforts to be redeployed. They are also expected to engage with any support offered by the Staff Development Unit. Wherever HR
considers that an employee has not made suitable efforts in this regard, the benefits of the redeployment policy and salary protection may be withdrawn from that employee. The reasons for such a decision will be set out in writing.

Following the submission of an application, employees must make every effort to attend any interview times offered in order not to delay the recruitment process unnecessarily.

Whilst in receipt of a protected salary, the employee will not be entitled to receive any additional payment except where it relates to the performance of duties of a higher grade than the original position, or for agreed overtime in the new post.

The employee must seriously consider any reasonable offer of redeployment and if they decline any offer, they will be required to explain to HR why that offer is not suitable. Should an acceptance not be received within the prescribed 2 working days, or, should the explanation offered be considered unacceptable, the offer will be withdrawn. In this event, the University will allow the employee priority consideration for only one other suitable vacancy where time permits before the end of the notice period.

Employees who are redeployed shall accept as a condition of that redeployment, to undertake as necessary additional training at the University’s expense.

A trial period of up to three months will be used to assess mutual suitability for the role without any forfeiture of rights under this procedure or entitlement to a redundancy payment. Where it is clear to either party early in the trial period that the role is not suitable, this should be addressed as quickly as possible without having to wait until the end of the trial period. In this event, the employee will be allowed a trial period for only one other suitable vacancy where time permits before the end of the notice period. In the event of a trial period being brought to a premature end, the employee will be eligible to be placed back on the redeployment register and the University will seek to find alternative employment for the employee for any remaining notice period.

Any member of staff declared at risk who unreasonably refuses an offer of suitable alternative employment may forfeit any entitlement to a redundancy payment.

7. Role of HR

All staff eligible for redeployment will have an opportunity to meet with a member of HR to receive advice and an explanation of the procedure.

HR will ensure that eligible individuals are able to informally discuss potential posts with relevant parties (e.g. their line manager, the recruiting manager, HR Manager) before deciding whether they wish to be considered.

Assistance in compiling CV’s, completing application forms and preparing for interviews can be provided via the Staff Development Unit.

HR shall maintain a redeployment website for all staff at risk of redundancy and undertakes to advise such staff, via job alerts, of the details of all suitable vacancies.

The wording of the advertisement placed on the redeployment website, and of all supporting documents, will be identical to that which may subsequently be used in broader advertising.

Members of staff redeployed shall be given a written statement of the terms of their amended
contract. Continuity of service and service related benefits will be protected.

HR will oversee the application of the procedure and will address any issues (including non-compliance) which may arise.

8. The Role of the Academic/Service Units

All vacancies shall be advertised for a period of one week on the redeployment web site during which time it will be ring fenced to current redeployees only. Only where there are no suitable redeployees shall it be advertised more broadly.

The funding of salary protection will be the responsibility of the Faculty or the Professional Support Services where the employee had previously been employed.

9. Appeal

Any employee who considers that this procedure has been unfairly or improperly applied in their own particular circumstances may present an appeal in writing to the Executive Director of Human Resources within 5 working days of the decision giving rise to their appeal. Following investigation by the Executive Director of Human Resources (or nominee), the appeal will be considered by the Chair of Staff Committee or a nominee (the adjudicator).

The University will make every effort to provide as much notice as possible to allow an employee and where appropriate their representative sufficient time to prepare for the hearing, which should be arranged at a mutually convenient time for all parties with a minimum period of notification of 5 working days. Notification must be provided in writing, at which time the employee will be given a copy of the relevant procedure, written details of the matter to be considered at the meeting, any supporting documentation that will be relied upon by the employer’s side during the appeal, and the names of any witnesses that the employer’s side may call. In the event that one of the parties is unexpectedly unable to attend the hearing at the notified time, the meeting will be postponed and rescheduled to an alternative time within 5 working days after the date initially proposed. The employee in turn must submit any documentation they wish to be considered at the hearing, and the names of any witnesses they wish to call, at least 3 working days before the meeting. Written notes of the hearing will be taken by a member of Human Resources, who will also attend the meeting in an advisory capacity. They will be made available to the employee and where the employee was accompanied during the hearing by a trade union representative also made available to that representative, but otherwise treated as confidential. If an employee disagrees with the notes then s/he shall set out their disagreement to the relevant HR representative.

Employees are entitled to be accompanied at the hearing by a trade union representative or a work colleague. The trade union representative or work colleague will be allowed to put the employee’s case, sum up the employee’s case, respond on the employee’s behalf to any view expressed, and ask questions on the employee’s behalf. However, they will not be allowed to answer questions on behalf of the employee. He/she and the employee will have the right to request reasonable adjournments to have discussion amongst themselves. No other form of representation is permitted for either party. The employee shall be entitled to provide oral and/or written evidence, and to call such witnesses as s/he thinks appropriate. The trade union representative or work colleague and any witnesses called will be provided with reasonable time off from their normal duties with no loss of pay in order to prepare for and attend the meeting or appeal.
The adjudicator shall determine the conduct of the hearing and shall ensure that both sides of the case are fully considered, and that the employee and/or representative and the manager are given full opportunity to put their case and to put questions to any witnesses.

Where, following the hearing, the adjudicator decides that the Redeployment Procedure was followed correctly, that the decision that the redeployee failed to meet the essential requirement of the person specification as stated in the documentation provided to applicants was justified, and that the redeployee would be unable to meet these requirements with reasonable training, then he/she shall dismiss the appeal.

Where, following the hearing, the adjudicator decides that there was a substantial breach of the Redeployment Procedure which placed the redeployee at a significant disadvantage in the redeployment process, or that the decision that the redeployee failed to meet the essential requirement of the person specification as stated in the documentation provided to applicants was not justified, or that the redeployee would be unable to meet these requirements with reasonable training was not justified, then he/she shall uphold the appeal and the University shall within 1 working day offer the post to the redeployee.

The following procedural guidelines shall apply during the hearing, which may be adjourned at any time at the discretion of the adjudicator:

- There will be no legal representation at an appeal hearing.
- The adjudicator shall review both the proceedings to date and the evidence relied upon together with any further evidence submitted and may put questions to the employee and any representative and/or call witnesses, and shall allow the employee and any representative to put questions to witnesses.
- Normally, the employee will open the appeal hearing by way of representations in support of his or her appeal, and shall be entitled to provide written and oral evidence in relation to his/her appeal and to call such witnesses as s/he thinks appropriate.
- The manager who took the formal decision will, if requested by the adjudicator, be available to attend the appeal hearing and will outline at the hearing, in the presence of the employee and his or her representative, the reasoning behind his or her original decision.
- Where an investigation was carried out, the person who carried out the investigation which led to the formal decision may also be required to attend the appeal hearing and will make representations, in the presence of the employee and his or her representative, in relation to the investigation undertaken.
- The manager and the person who carried out the investigation will have the opportunity to put questions to the employee (or his/her representative) and his/her witnesses.
- The employee (or his/her representative) will have the opportunity to put questions to the manager and the person who carried out the investigation and any of their witnesses.
- The adjudicator will have the opportunity to put questions to all those present at the hearing as appropriate.
- The employee (or his/her representative) and the Manager will have the opportunity to sum up their case.
- All of the parties will withdraw, with the exception of the HR representative. The adjudicator will deliberate in private, accompanied by the HR representative but may recall any of the parties to clarify points of uncertainty. If recall is necessary, both parties are to return.
• The decision of the adjudicator shall be confirmed in writing within 2 working days
giving the reasons for reaching the decision.
• Actions put in place before submission of an appeal, including notice of dismissal,
remain in effect pending the outcome of the appeal.
• The appeal decision will be final. However, should the redeployee subsequently be
made redundant he/she will have the right to appeal against the redundancy
according to the procedure described in the Redundancy Procedure.
• The employee will be entitled to receive written notes of the appeal proceedings and
of the reasons for the decision of the person hearing the appeal. Where the employee
was accompanied during the hearing by a trade union representative, this document
will also be provided, on a confidential basis, to that representative.

Where the employee (and/or his/her representative) fails to attend the appeal hearing without
good reason which has been notified to the Human Resources representative by the start of the
hearing, the hearing will proceed in his/her absence.

10. Status of the procedure

The employment relationship between the University and each of its employees is set out in the
contract of employment. This procedure does not form part of the contract of employment but it
shall apply both to the University and to all of its employees.

11. Related documents

Redundancy Procedure
Policy on the use of Fixed-term Contracts
Reorganisation Procedure

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>1st March 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval</td>
<td>Approved by Staff Committee 05/04/12</td>
</tr>
<tr>
<td>Policy/Procedure Owner</td>
<td>Garry Coupland</td>
</tr>
<tr>
<td>Last Reviewed</td>
<td>January 2014</td>
</tr>
</tbody>
</table>