



UNIVERSITY  
OF SUSSEX

Human Resources

## REDEPLOYMENT PROCEDURE

### PART ONE – GENERAL & INTRODUCTION

#### 1. Introduction

1.1 The University recognises that staff are a valuable resource. The University will therefore endeavour to seek to safeguard the employment of members of staff as far as reasonably practicable and in a way that is consistent with the University's aim to maintain and enhance the efficiency with which its core purposes are carried out. A way in which the University aims to protect the security of employment for its staff is by implementing a clear and fair redeployment procedure. The effectiveness of the procedure is dependent upon the full co-operation of all members of staff involved in the process. The purpose of this Procedure is as follows;

1.1.1 To retain valuable skills and knowledge within the University;

1.1.2 To ensure a fair and consistent approach is adopted in the management of redeployment;

1.1.3 To provide effective support for members of staff using this Procedure, including reasonable training where appropriate;

1.1.4 To ensure the University meets its legal obligations.

#### 2. Application of the procedure

2.1 Subject to paragraph 2.2, this Procedure shall apply to all staff that (with the exception of those who are seeking redeployment for medical reasons or due to disability) have completed one year's service with the University. This will include Associate Tutors and other staff contracted to work on a variable hours basis, but exclude casual staff, and references to "members of staff" or "staff" shall be interpreted accordingly. This Procedure will apply in the following circumstances:

2.1.1 For the purposes of avoiding redundancy (whether the member of staff is employed on an indefinite or fixed-term basis);

2.1.2 Where a fixed term contract is due to expire for some other substantial reason;

- 2.1.3 Where a member of staff is medically unfit to continue in their current role and all reasonable adjustments to the current role have been exhausted;
  - 2.1.4 For reasons of capability in circumstances other than ill health;
  - 2.1.5 On an exceptional basis, and with approval from the Director of Human Resources or their nominee, another substantial reason that puts a member of staff's employment at risk (e.g. where an employment relationship in a particular unit has irretrievably broken down).
- 2.2 This Procedure will not apply in the following circumstances:
- 2.2.1 Where a member of staff's employment has already ended;
  - 2.2.2 Where a member of staff wishes to seek a new job and change of career and their employment at the University is not at risk;
  - 2.2.3 Where a member of staff's probationary period has not been confirmed at the end of the probationary period.

### **3. Suitable Alternative Employment**

- 3.1 For a redeployment opportunity to be considered suitable alternative employment a member of staff must either meet the essential criteria for the job, or be able to do so with a reasonable amount of training. It is for the recruiting manager to decide, in conjunction with HR, whether the requirements of the post could be met by reasonable training. If there is more than one member of staff seeking redeployment who meets the essential criteria for the post, it will be offered to the member of staff who is considered most suitable following the recruitment process; and
- 3.2 For a redeployment to be considered suitable alternative employment it will normally be at the same grade and on the same terms and conditions as the member of staff's current post. However, a member of staff may be voluntarily redeployed to a post that differs from their current post in these respects if they so wish (following the recruitment process); and, in the case of redeployment on medical grounds under the Sickness Absence and Medical Incapacity Procedure, if the medical advice supports and/or recommends such a change.

### **4. Priorities for Redeployment**

- 4.1 A member of staff in one of the following categories who becomes at risk of dismissal for redundancy will be entitled to redeployment into a suitable post as a matter of priority over any other potential candidates seeking redeployment:

- 4.1.1 a pregnant member of staff, from the date they inform the University of their pregnancy until 18 months from the Estimated Week of Childbirth (or exact date of birth if notice of this date is given before the end of their maternity leave);
  - 4.1.2 a member of staff who is taking or has taken Adoption Leave, from the placement date for a period of 18 months;
  - 4.1.3 a member of staff who does not fall under 4.1.1 or 4.1.2 above and is taking or has taken Shared Parental Leave of at least 6 consecutive weeks, from the date that the period of Shared Parental Leave starts until 18 months from the date of birth or adoption placement of the child.
- 4.2 A member of staff who is considered by the University to be "disabled" within the meaning of that term under the Equality Act 2010 and is at risk of dismissal on medical grounds will be entitled to redeployment into a suitable alternative post as a matter of priority over other potential candidates seeking redeployment, with the exception of those referred to in paragraph 4.1 above.

## **PART TWO – REDEPLOYMENT PROCEDURE**

### **5. Redeployment Period**

- 5.1 Redeployment shall be sought for a specified period, defined as the 'Redeployment Period'. The length of the Redeployment Period will be dependent on individual circumstances. In situations where the expiry date of a fixed-term contract is known, or notice of termination of employment has already been given, the Redeployment Period will end at the same time as the termination of the contract or the expiry of the notice period. In other situations, it will be for the Director of Human Resources or their nominee to determine that a reasonable period for seeking suitable alternative employment has been exhausted. The member of staff will remain on their original terms and conditions throughout the Redeployment Period.

### **6. Redeployment within a School or Division**

- 6.1 Responsibility for redeployment lies, initially, with the Head of School or Professional Services Director for the School or Division in which the member of staff is located. HR will normally provide advice in this respect. Every reasonable effort should be made within the relevant School or Division to find a suitable alternative position for the member of staff, unless there are objective reasons why redeployment within the School or Division is not appropriate (e.g. where there are no vacancies or the member of staff does not meet the essential criteria for a vacancy, or could not do so with a reasonable amount of training).
- 6.2 If suitable alternative employment is identified within the School or Division, the vacancy must first be authorised through the normal University approvals process. Thereafter the

member of staff should be interviewed for the post, alongside any other suitably qualified members of staff seeking redeployment, if applicable.

- 6.3 If it appears likely that no suitable alternative employment can be found within the School or Division, and the individual wishes to consider redeployment to roles outside of their School or Division, then redeployment within the wider University should be sought as per paragraphs 7.1 to 7.4 below.

## **7. Redeployment within the wider University**

- 7.1 If the member of staff wishes to consider redeployment within the wider University, they will be invited to complete a Redeployment Form (including details of their skills and specifying the categories and types of jobs they would wish to be considered for) and send it to the HR Department together with a current CV. Written guidance on completing a CV will be available for staff. Where a member of staff is seeking redeployment on medical grounds, advice from Occupational Health on the type of work that would potentially be suitable will also be required.
- 7.2 Details of the member of staff's current role and the type of redeployment opportunities they would consider will be entered onto the HR Redeployment Register.
- 7.3 HR will support a member of staff in trying to secure redeployment and the member of staff will be expected to actively participate in this process by, for example:
- 7.3.1 Making contact with their HR Business Services Co-ordinator on a regular basis to discuss vacancies and assess their suitability for any new vacancies that may have arisen;
  - 7.3.2 Responding promptly to the HR Business Services Co-ordinator to confirm whether or not they are interested in any vacancies suggested to them as potential redeployment opportunities prior to advertisement;
  - 7.3.3 Searching for suitable vacancies on the University's web pages;
  - 7.3.4 Making every reasonable effort to co-operate in any assessment and interview processes in which the University requests they participate;
  - 7.3.5 Taking responsibility on an on-going basis for keeping their skills up-to-date using the resources available from the Doctoral School, ITS, TLDU and/or Staff Development, as applicable and as agreed by their manager.
- 7.4 The member of staff will be granted reasonable paid time off for the purposes of attending interviews, whether internal or external, and for appropriate training throughout the Redeployment Period.

## 8. Identifying Redeployment Opportunities

- 8.1 Normally, prior to advertising a vacancy, the appropriate representative from HR will ascertain whether the post could be considered suitable alternative employment for any members of staff on the Redeployment Register. In cases of redeployment on medical grounds, the job description and person specification for the post will be sent to Occupational Health to confirm that the post is potentially suitable in terms of the member of staff's medical condition. If there is a potential match:
- 8.1.1 The HR Business Services Co-ordinator will inform the member of staff and provide details of the vacancy;
  - 8.1.2 The member or staff must reply as soon as reasonably practicable (but in any event within seven days) to confirm whether or not they are interested in the role;
  - 8.1.3 If the member of staff wishes to be considered for the role, and is judged by the recruiting manager to meet the essential requirements of the person specification for the post (or could do so with a reasonable amount of training) they will normally be offered an interview prior to any other candidates;
  - 8.1.4 An HR representative may attend the interview to support the recruitment panel with assessing suitability.
- 8.2 Where a member of staff identifies as a potential redeployment opportunity a vacancy that is already being advertised externally, they should inform their HR Business Partner of their interest so that, subject to the recruiting manager being satisfied that the member of staff meets the essential selection criteria (or could do so with reasonable training), as detailed in the person specification, they can be shortlisted for an interview along with the other applicants.
- 8.3 If it is the recruiting manager's considered view that the member of staff does not meet the essential criteria for the post (or could not do so with a reasonable amount of training) they will normally discuss their reasons with the relevant HR representative before the member of staff is informed that they will not be invited to an interview. Written feedback will be provided to the member of staff on request.
- 8.4 If a member of staff is not offered an interview for a post prior to that post being advertised, this does not preclude them from applying for that post, or any other post, through the normal recruitment processes in competition with other applicants.
- 8.5 Schools or Divisions undergoing a restructure under a Proposal for Organisational Change may be required by the University to ring-fence new or replacement posts for staff in their own School or Division who are at risk of redundancy and, in those circumstances, will be advised by HR that they are not expected to give prior consideration to members of staff from other Schools or Divisions (see paragraph 16.2 below).

## 9. **Offers for New Posts**

- 9.1 All offers of employment made, as a result of this Procedure, will be made in writing and subject to any employment checks identified as required. Offers will be made before the member of staff's period of notice expires or their existing contract comes to an end. The new post will start on a mutually agreed date between the member of staff and the appointing and current manager.
- 9.2 Subject to paragraph 11.4, a member of staff who is redeployed as a result of being at risk of, or selected for, dismissal on the grounds of redundancy is not entitled to a redundancy payment if he or she is offered and accepts suitable alternative employment, where:
- 9.2.1 the offer of the new post is made before the ending of the current employment; and
- 9.2.2 the employment in the new post will begin no later than four weeks after the termination of the current employment of the current employment contract.
- 9.3 In cases where there is a gap between the posts, or there is a temporary cessation of work (e.g. for teaching-only staff, during vacation periods and assessment periods where there is no teaching), this gap will be excluded and continuity of service will be maintained provided the new post commences within four weeks of the end of the previous post or within four weeks of the end of the period of temporary cessation of work. During the gap between the posts and/or the temporary cessation of work the member of staff will normally be on a period of unpaid leave.
- 9.4 Where a member of staff seeking to be redeployed is put forward for prior consideration and/or an interview for a post that is considered suitable alternative employment and then unreasonably refuses a subsequent offer of interview or employment, either at the point the offer is made or during or at the end of any trial period, the University reserves the right to proceed to dismissal in accordance with the relevant employment procedure and any entitlement to the provisions of redundancy (if applicable) may be forfeited.

## 10 **Unsuccessful applications**

- 10.1 Where, following an interview under this Procedure, a member of staff is not considered suitable for the post and they wish to receive feedback as to why this was the case, this information will be provided to the member of staff, by the Chair of the interview panel.

## 11 **Trial Period**

- 11.1 Staff who are redeployed as a result of being at risk of, or selected for, dismissal on the grounds of redundancy have a statutory right to a trial period of four weeks. Staff who are redeployed on medical advice and/or as a result of the Sickness Absence and Medical Incapacity Procedure, will be given a trial period within the new role, normally of two months.

- 11.2 Where a trial period is agreed the following should take place:
- 11.2.1 The line manager should clearly set out the responsibilities of the post and standards of work performance required. This should be reinforced through appropriate induction, reasonable training where so identified and regular feedback in order to support the member of staff;
  - 11.2.2 The trial period can be extended by mutual agreement for retraining purposes, after prior consultation with HR. The extension should be documented specifying the revised end date;
- 11.3 Where the trial period is successful and the appointment is confirmed the Redeployment Period will come to an end. The new post will become the member of staff's substantive post and they will no longer be entitled to a redundancy payment in respect of that particular redundancy situation.
- 11.4 If the trial period is not successful because either: (i) the University chooses to end the new contract within the four week trial period for a reason connected to the new job (e.g. because the University can demonstrate that the member of staff is not capable of carrying out the duties of the new post); or (ii) the member of staff decides not to continue in the post for a reason connected to the new job; then the member of staff will still be entitled to receive a redundancy payment. The last day of employment will be the last day of the trial period or another mutually agreed date.
- 11.5 Neither the University nor the member of staff has to give the normal contractual notice to terminate the employment during the trial period. Where the trial period takes place after the end of the expiry of the notice period related to the previous contract of employment, either the University or the member of staff may terminate the trial period at any time as described in paragraph 11.4 and for the purposes of calculating any applicable statutory redundancy payment, the member of staff will be treated as having been dismissed when the notice period relating to the previous contract expired. If the trial period is terminated before the expiry of the period of notice relating to the previous contract of employment, then the member of staff's employment in the previous post will be treated as terminating on the expiry of the notice period.

## 12 **Terms of new post**

- 12.1 Any offers of redeployment will be made on the terms attached to the post on offer. In the case of redeployment under the Sickness Absence and Medical Incapacity Procedure, the member of staff will continue to receive their previous salary for a period of three months (commencing at the start of the trial period). In the case of redeployment as an alternative to redundancy under a Proposal for Organisational Change, the University's Pay Adjustment Policy will apply. The Pay Adjustment Policy will not apply where a member of staff accepts a lower graded job over a job offered to them at their current grade.

## **PART THREE – RELATED MATTERS**

### **13 Temporary Redeployment**

13.1 In exceptional circumstances (for example in disciplinary or grievance cases where an investigation is being conducted, or where a member of staff is unable to carry out their substantive role, on medical grounds, for a limited period of time), it may be necessary to redeploy a member of staff to a post on a temporary basis. The duration of a temporary redeployment will not normally exceed six months. In such cases, staff shall be expected, through discussion and agreement, to be flexible regarding their working arrangements, taking into account their personal circumstances and commitments.

### **14 Dismissal and links to other Employment Procedures**

14.1 This Procedure is designed to operate alongside the University's other employment procedures, normally the Redundancy Procedure, the Sickness Absence and Medical Incapacity Procedure, the Some Other Substantial Reason and Statutory Bar Procedure, and the Capability Procedure.

14.2 Redeployment may be considered in cases where a grievance has been raised or an allegation of harassment/bullying has been made, or a disciplinary investigation has been conducted and it has been found that the individuals involved should no longer work together. The decision as to who may be redeployed will depend on the circumstances of the case following an investigation which recommends redeployment. Redeployment may also be considered in other exceptional circumstances where it is clear, following an investigation under the Disciplinary or Grievance Procedures, that a working relationship has irretrievably broken down. In these instances, this Procedure may operate alongside the University's Staff Disciplinary or Grievance Procedures.

14.3 This Procedure is not intended to replace the University's other employment procedures listed above, nor does it affect the right of a member of staff to appeal under those procedures.

14.4 Where a member of staff's employment is at risk and it is not possible to secure alternative employment for a member of staff under this Procedure, their employment will terminate under the relevant employment procedure referred to above, subject to due process. The provisions of the relevant employment procedure or any contractual notice period may run concurrently with the Redeployment Period.

### **15 Appeals**

15.1 There is no right of appeal under the Redeployment Procedure. However, an appeal against dismissal may be made under the relevant employment procedure listed above, and a failure to be redeployed could constitute grounds for such an appeal.

- 16 Enhanced Redeployment Measures in Cases of a Proposal for Organisational Change**
- 16.1 Where a potential redundancy situation has arisen in the context of a Proposal for Organisational Change, the Vice-Chancellor's Executive Group may approve enhanced redeployment measures such as a Discretionary Transfer Scheme and/or a Reduced Hours/Job Share Scheme. For the purposes of this Procedure, a Proposal for Organisational Change is a proposal made by the Vice Chancellor's Executive Group for:
- 16.1.1 A significant restructuring of the University or any of its Schools or Professional Services Divisions;
- 16.1.2 The closure of a Department within a School; or
- 16.1.3 The closure of a Professional Services Division or Unit within a Professional Services Division.
- 16.2 Depending on the number of departments or divisions and number of staff affected by such a proposal, enhanced redeployment measures may contain one or more of the following provisions:
- 16.2.1 Ring-fencing new posts created as part of the restructure for those at risk of redundancy in the relevant area in the first instance;
- 16.2.2 Ring-fencing suitable new or replacement posts in other areas of the University for those at risk of redundancy in the relevant area(s) in the first instance;
- 16.2.3 Placing a hold on all external recruitment and advertising all new posts to those at risk of redundancy in the relevant area(s) in the first instance before proceeding to external advert if the post has not been filled by an at-risk member of staff.
- 16.3 Under a Discretionary Transfer Scheme, Early Retirement/Voluntary Severance terms would be offered to those staff in the University who are not at risk of redundancy, in order that, if their ER/VS application is accepted, a member of staff who is at risk of redundancy could be redeployed into the post that is vacated.
- 16.4 Under a Reduced Hours/Job Share Scheme, applications would be invited from members of staff in the relevant areas to reduce their contracted days/hours in order that they could be redeployed into a job-share with another member of staff.
- 16.5 In addition, in cases of a Proposal for Organisational Change the University may consider introducing other measures to aid redeployment within or outside of the University, such as:
- 16.5.1 Providing relevant internal or external training in transferrable skills;
- 16.5.2 Providing professional careers advice;

16.5.3 Assisting members of staff in contacting other employers regarding their job search;

16.5.4 Inviting other employers conducting major recruitment campaigns to visit the University to talk to staff.

<b>Review / Contacts / References</b>	
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Policy owner:	HR – Employee Relations
Lead contact / author:	Head of Employee Policy & Relations