THE UNIVERSITY of EDINBURGH

Redeployment Guidance for Recruiters

1. Purpose
This document sets out your responsibilities[1] when you are recruiting to a post in the University, in relation to staff for whom the University has a legal obligation to take all reasonable steps to redeploy.

This document does not affect the approval processes for recruitment, which should be observed in the usual way.

2. Scope
This guidance relates predominantly to your responsibilities in relation to redeployment of staff who:

- are designated as 'at risk' of redundancy
- require to change jobs because health reason(s) prevent them continuing in their current job or as a reasonable adjustment if they have a disability
- require to change jobs for reasons relating to maternity.
- a lesser legal obligation applies to staff who have been "red-circled" (see section 3.3)

This guidance does not apply to:

- posts where it is a condition of funding that a specified individual ('named researcher') is appointed;
- staff who require a work permit or certificate of sponsorship.

3. Context
3.1 Redeployment as an alternative to redundancy
The University has a legal obligation to seek to avoid making staff redundant and a key part of that obligation is to redeploy staff to suitable alternative jobs in the University where possible. The University also wishes to retain experienced employees whose skills continue to be of value to its strategy and goals, and to avoid the costs and time involved in handling appeals or legal claims.

3.2 Redeployment for Disability/health reasons
In some circumstances, staff will be seeking redeployment as a reasonable adjustment to enable them to continue in employment, when they can no longer carry out their current job fully. In such cases, the University has obligations comparable to those towards staff at risk of redundancy and must redeploy where a suitable job is available. Such staff will also generally be classed as 'at risk' on the Talent Register, where their details will be held for a maximum of six months from the effective date given by HR. The circumstances of such cases tend to be very individual and so you should seek advice from your HR team.

[1] This document is formal University guidance for managers. It is not part of staff terms and conditions.

3.3 Other Redeployment Situations

There are several circumstances where the University wishes to support redeployment, but where there is a lesser legal obligation. This applies, for example, to staff who have been 'red-circled'. Such staff are classified as 'Support Redeployment' on the Talent Register and should be considered for vacancies after it has been established that no 'At Risk' candidate is appointable.

4. Responsibilities

In practice, the legal obligations for employers mean that the University must give priority to staff at risk of redundancy for available jobs which could be classed as suitable alternative employment. As a guide, this would be a job which the employee could reasonably be expected to do given their knowledge, skills, aptitudes and experience and which is on comparable terms to their current job, e.g. status, grade, pay, hours, duties and responsibilities.

We must also give staff at risk priority for jobs that can be considered to be 'alternative employment' if they wish to be considered for them. As a guide this would be a post which differs considerably in content and/or terms and conditions from their current post; for example a lower or higher graded post would normally be deemed to be alternative employment.

Jobs classed as 'suitable alternative employment' or 'alternative employment' should be offered to staff at risk if they have the knowledge, skills and competencies required for the job. Where staff may need additional training to do the job, consideration should be given to the nature, cost and length of the training required and this should be assessed against the requirement to get the job done.

For some jobs it will remain essential to assess candidates through open competition (see 5.2.1 below). However, for others our responsibility to staff at risk justifies restricting vacancies to those seeking redeployment.

You, therefore, have a responsibility for ensuring that the University meets its obligations to redeploy staff at risk by considering them for jobs if they have the knowledge, skills and competencies required for the job and by offering such jobs to staff at risk in preference to other applicants. In the event of an appeal or legal claim, you would be required to justify the decision not to appoint a member of staff who was at risk.

Although the University does not have an obligation to redeploy staff at risk to jobs with a significantly greater 'package', e.g. on a higher grade, you are encouraged to interview staff at risk if they appear to meet the essential knowledge, skills and competencies required for the job. Those who demonstrate the essential knowledge, skills and competencies during the interview process should be appointed.

It is the recruiter's responsibility to conduct an eligibility to work check on employees before an offer of employment is made. Guidance on how to conduct the check can be found at https://www.ed.ac.uk/human-resources/recruitment/eligibility-immigration.

5. Recruitment, Selection and Appointment

5.1 Essential Requirements

Before recruiting to any vacancy, you should identify the knowledge, skills, competencies and qualifications that are necessary and sufficient to carry out the job. These should be specified in the job description/person specification as Essential Requirements/Criteria and should be written

clearly and carefully to describe all that is required to carry out the job satisfactorily i.e. so that you could appoint someone who met these requirements, and would not appoint someone who did not meet all these requirements. You are responsible for ensuring that all the essential requirements for the role are made clear.

5.2 Recruitment Process

Staff at risk are invited to add their names to a Talent Register from which Recruiters should seek to fill their vacancies prior to advertising. This is expected to have the dual advantages of redeploying staff at risk and of enabling recruitment of high quality, experienced staff (who were originally recruited in external competition) without the time and cost of advertising.

It is recognised that there are some jobs where, in order to fulfil the University's mission[2] and/or meet responsibilities to sponsors, it is an essential requirement that the appointee is the best available in the external market, so that external advertisement will be required at the outset. Sections 5.2.1 and 5.2.2 below set out the different processes to be followed, depending on whether or not the job's essential requirements necessitate external competition.

5.2.1 Jobs requiring external competition

Research/academic posts: where research is a significant part of the role, and is expected to be at a level that is furthering the research achievements of the academic area it will generally be an essential requirement of the job that the appointee is at the forefront in the field. In such cases, it will be necessary to advertise externally to assess candidates against this requirement. This is a matter for the Recruiter to determine (and to justify if asked, e.g. as part of an appeal).

This would also apply to any academic roles requiring teaching or other professional expertise at a level that is at the forefront of academic practice. However, it should be noted that most research support roles and more routine research jobs, where it could not be considered essential to obtain the best available in the wider market, will not fall into this category.

'Business critical' jobs: a limited range of other jobs may have an essential requirement to be leaders in their field or the best available in the market, and it will generally be necessary to advertise externally to assess candidates against this requirement. These would most likely be jobs where the post-holder's performance could have a significant impact on the success or development of the University, or a significant part of the University. This is likely to apply to senior roles (including those at UE09 and UE10 level and equivalent).

Jobs requiring external competition should be advertised externally. In addition, the Talent Register (https://www.ed.ac.uk/human-resources/recruitment/talent-register) should be searched for suitable candidates, who should be considered fully (along with any other staff at risk notified to you by your HR team), and shortlisted for interview on the same basis as external candidates. You should keep a record of the basis for selection/rejection of staff at risk.

Particular care should be taken to record the reasons for not shortlisting/appointing where 'at risk' candidates meet the essential requirements, but are not selected as a result of comparing

[2] The University's mission states that "As a centre of academic excellence we aim to: provide the highest-quality research-led teaching and learning; challenge the boundaries of knowledge, research and disciplines; enable our graduates and staff to be exceptional individuals equipped to address global challenges; promote good health, economic growth, cultural understanding and social well-being.

them against other candidates.

5.2.2 Jobs not requiring external comparison
When you have approval to recruit, before advertising a vacancy, you should consider the candidates on the Talent Register at (http://www.ed.ac.uk/schools-departments/human-resources/recruitment/talent-register).

If, from the summary information, any staff at risk might meet the essential requirements for the post, you should request a copy of their CV from the Redeployment team (redeployment@ed.ac.uk). You should then consider their details and identify those that might meet the essential requirements, and those that do not.

You should keep a record of the basis for your search on the Talent Register (e.g. the terms searched to identify essential criteria) and complete the Candidate Record for those for whom details are obtained. These records may be needed in order to provide feedback to candidates, or in the event of an appeal against redundancy (internally or to an Employment Tribunal).

You should consider all staff at risk that appear to meet the essential requirements for interview/selection and shortlist if there are several such candidates. The candidates will not know they are under consideration until you contact them, so you should send details of the vacancy, ask them to confirm if they wish to be considered (and attend for interview) and you may ask them to provide an application statement detailing how they meet the requirements of the job. If any candidates decline, you should notify your HR team and record that the employee declined the job on the Candidate Record.

Further guidance on using the Talent Register is available at https://www.ed.ac.uk/human- resources/recruitment/talent-register.

A normal interview/assessment process should be followed for the candidates identified, which must be sufficient to assess whether or not they meet the essential requirements. If one or more candidate meets the essential requirements, the most suitable candidate should be offered the job (which will include a trial period - see Section 5.5 below).

If no 'at risk' candidate meets the essential requirements, candidates in other categories on the Talent Register may be considered and/or the job may be advertised internally or externally, subject to the normal approval process. As before, a record should be kept of the basis for the decision.

5.3 Applications for advertised posts by Staff at Risk
Staff at risk may apply for advertised posts directly, e.g. because they have just become 'at risk'. If staff at risk apply after a job has been advertised, they should be considered in the same way as indicated above i.e. invited for interview/selection if they appear to meet the essential requirements.

If reasonably possible, such candidates should be interviewed prior to others, in order to avoid wasting the time of others. However, if interview arrangements are already in place, they may be interviewed alongside other candidates. Either way, staff at risk must be given priority over other candidates and must be offered the job if they demonstrate the essential requirements at

interview.

5.4 Appointment of Staff at Risk
An offer to any 'at risk' member of staff (whether through the Talent Register or direct application and competitive recruitment) should be made with advice from your HR team, who will liaise with the member of staff's HR team. The appointment may start following the normal notice period, or at any time from the end of the at risk member of staff's current employment to four weeks afterwards, or at an earlier point by mutual agreement.

5.5 Trial Periods
The job offer will have a trial period of four weeks (or longer by mutual agreement in writing), to enable the individual and manager to establish whether the alternative job is indeed suitable (see Section 4.1). In most cases, both the employee and manager will confirm the job is suitable and employment in the new role will continue. However either party may choose not to continue following the trial period, in which case sections 5.5.1 and 5.5.2 should be referred to.

5.5.1 University decides alternative employment is not suitable
A manager wishing to terminate the employment after the trial period should discuss this with their HR team and would need to demonstrate clearly that the individual did not have, had not and will not be able to develop, the skills, knowledge and competencies to carry out the role.

In this case, and assuming no other employment is available, the employee's employment would come to an end at the end of their original notice period or the end of the agreed trial period, whichever is the later.

5.5.2 Employee decides alternative employment is not suitable
If the employee decides the job is not suitable, and assuming no other employment is available, the employee's employment would come to an end at the end of their original notice period or the end of the agreed trial period, whichever is the later.

Should the employee unreasonably refuse the offer of what appears to be a suitable alternative role, they will forfeit their right to redundancy pay[3].

Note: If an 'at risk' member of staff declines the offer of alternative employment, either at job offer stage or during their trial period, your HR team should be informed.

6. Notification to unsuccessful staff at risk
Staff at risk who have applied for a job directly and/or attended for interview/selection should be notified of the outcome in writing.

Candidates from the Talent Register will not be aware that they have been considered unless you have notified them, so need not be informed that they have not been shortlisted.

Feedback provided, either within the notification letter or in response to a request, should indicate how they did not meet the essential requirements for the job (or if they did, explain that

[3] Whether or not it is reasonable for an employee to turn down an offer of an alternative role, objectively assessed as suitable by the University will depend on the particular situation of the employee in question and whether they have sound and justifiable reasons of turning down the offer.

another ‘at risk’ candidate was appointed).

There can be a natural tendency to soften the feedback. However, it should be borne in mind that unless another at risk member of staff has been appointed, staff at risk can only be rejected due to failing to meet the essential requirements (which may include the requirement to be at the forefront of/a leader in a specified field), so it is important to be clear about how they did not meet those criteria in as objective terms as possible.

7. Sources of further information

For general advice on recruitment, see the Recruitment pages on the HR website at https://www.ed.ac.uk/human-resources/recruitment.

For policies and guidance on redundancy, see http://www.ed.ac.uk/human-resources/policies-guidance/redundancy-careers/policies.

8. Document history and review

This guidance was issued by Human Resources on 1 October 2016. It was reviewed as part of the Talent Register update and minor revisions were made in November 2018. Minor revision to section to was made in June 2019

9. Alternative Format

This document can be provided in alternative formats on request by email to UHRS@ed.ac.uk or by calling 0131 650 8127