



**Education
Partnership
Trust**

Creating outstanding schools
which transform learning, lives
and communities

ALTERNATIVE EMPLOYMENT POLICY

Document Control

This document has been approved for operation within:	All Trust Establishments
Date effective from	December 2020
Date of next review	December 2023
Review period	3 year
Status	Non-Statutory
Owner	Education Partnership Trust
Version	1

Contents

1.0	Aim of this Policy.....	4
2.0	Scope of Policy and Procedure	4
3.0	Matters dealt with under this policy and procedure	4
4.0	Principles	4
5.0	Standard Trust Procedure	4
	• Alternative Employment Register	4
	• Alternative Employment Form.....	5
	• Offer of Alternative Employment	5
	• Successful Trial Periods.....	6
	• Unsuccessful Trial Periods	6
6.0	Links to other Policies/Documents	6
7.0	Further Guidance	7
8.0	Policy Review	7
9.0	Approving Body & Date.....	7

1.0 Aim of this Policy

- 1.1 The Trust has a duty to attempt to seek to find suitable alternative employment for any employee whose employment may be terminated whether due to redundancy, performance, health or other reasons. The Trust expects that all employees and managers will fully participate in the process to ensure that every employee who finds themselves in such situations is given the best opportunity to be successfully redeployed.

2.0 Scope of Policy and Procedure

- 2.1 The policy and procedure extend to all employees of the Trust who have two year's continuous service.
- 2.2 Employees may be eligible for alternative employment as part of:
- The Capability Policy
 - The Redundancy Policy
 - Sickness Absence Policy
 - The Disciplinary Policy
 - Other reasons not covered by the policies detailed above.
- 2.3 In such cases, the Trust will, in consultation with the relevant trade unions, determine whether the employee is eligible for alternative employment.

3.0 Matters dealt with under this policy and procedure

- 3.1 All areas relating to alternative employment for Education Partnership Trust (EPT) employees, process and contact details.

4.0 Principles

- 4.1 The EPT has a duty to seek to find suitable alternative employment for any employee whose employment may be terminated whether due to redundancy, restructure, performance, health or other reasons. The Trust expects that all employees and managers will fully participate in the process to ensure that every employee is given the best opportunity to be successfully redeployed.

5.0 Standard Trust Procedure Alternative Employment Register

- 5.1 A central register of employees will be maintained and kept up to date by HR.
- 5.2 Managers should seek advice and work closely with HR where there may be a risk of dismissal for an employee through any of the above procedures. In circumstances where there is a genuine likelihood that the employee's employment will end for reasons of dismissal then those employees will be considered for suitable alternative vacancies. Managers will arrange and support those employees in completing the Alternative Employment Form (R1).

Alternative Employment Form

- 5.3 Where there is a genuine likelihood of an employee being dismissed, the employee's line manager (or another designated manager) will issue form (R1) and discuss the alternative employment process at consultation meetings and if necessary, to assist the employee in completing the form.

Vacancies

- 5.4 Employees on the Alternative Employment register will be given prior consideration for all suitable vacancies before the vacancies are advertised (internally or externally). Vacancies will be emailed by HR directly to the employee or via line manager to print where no email address available.
- 5.5 Where a manager feels that they are unable to appoint, there must be objective reasons why the employee is unsuitable. The manager should provide feedback to the employee on the reasons why they are considered unsuitable for the role. In circumstances where an employee challenges the decision not to appoint them to the role, the matter will be referred to the Trust for a final decision. The manager will be required to present to the Trust the reasons why the employee is not considered suitable to the role. No further activity in recruiting to the vacancy may take place whilst the feedback is being considered by the Trust.
- 5.6 An employee who considers that they have not been offered a post which they believe would be a suitable alternative employment opportunity has the right of appeal to the Governing Body. An appeals form is available for this purpose and can be requested from HR.

Offer of Alternative Employment

- 5.7 Offers of alternative employment will normally be based on a 4-week trial period (unless the role is within the employee's current department and is very similar to their substantive role). The offer will be made on the terms and conditions of service which would apply in the new post. Where appropriate, pay protection will be offered in accordance with Section 5.16.
- 5.8 Wherever possible, one offer of suitable alternative work will be made based on the information provided within the R1 form. If an employee refuses this offer, they will lose their right to a redundancy payment (if eligible) and will be dismissed on the date upon which the redundancy would otherwise have occurred unless further alternative employment opportunities are identified.
- 5.9 Where an employee on notice of redundancy wishes to leave their employment before their notified redundancy date the matter must be referred to the Chair of Governors who will decide as to whether the employee may leave earlier without affecting their redundancy pay. If an employee resigns at any time during the trial period, the employment will end by resignation not through redundancy.
- 5.10 Where a suitable alternative offer is made, but the employee does not agree that the offer is suitable the Governing Body will make a decision that either (a) the offer is suitable alternative employment (in which case the refusal of the offer will impact on the employee's eligibility to receive a redundancy payment) or (b) will accept that the offer is not suitable and continue to seek to identify a post that is acceptable to the employee. If an alternative role is not identified before the termination date, the employee's employment will end on the identified date.

Promotion

- 5.11 Employees will not be able to obtain promotion through prior consideration under the alternative employment policy. This does not prevent the employee applying for a post at any time that would result in a promotion.

Successful Trial Periods

- 5.12 Offers of alternative employment will be normally be made on the basis of a 4-week trial period. The purpose of the trial period is to allow both the employee and the recruiting manager to make an assessment of the employee's suitability for the role. In certain circumstances (for instance where holidays have coincided with the trial period,) the manager may decide to extend the trial period.

Unsuccessful Trial Periods

- 5.13 If, in the opinion of the relevant manager, the employee has not demonstrated suitability in the post during the trial period and this has been confirmed by the Chair of Governors, the employee will return to their original post or department if the post has been disestablished.
- 5.14 Where the alternative employment is due to a redundancy situation, the employee will be declared redundant at the date on which the redundancy would have otherwise occurred. Where the trial period extends beyond the redundancy date the employee's notice must be extended to coincide with the trial period and the employment will end at that date or will be declared redundant with immediate effect in line with the original notice of redundancy already issued if the notice has not been extended or the trial period ends before it has been completed.
- 5.15 Where the relevant manager considers suitability has been demonstrated during the trial period, the position will be offered in writing on the terms and conditions applicable to the post.

Salary Protection

- 5.16 Salary protection applies only where employees are:
- in a redundancy situation
 - may apply as a result of being redeployed due to a medical condition or relating to the equality act and will be reviewed on a case by case basis following a report from the occupational health unit (OHU).
- 5.17 It is expected that alternative employment should normally be at the same grade as the employee's substantive post. However, in exceptional circumstances, alternative employment may be to a lower grade post. In such cases, salary protection will apply. Alternative Employment offers to posts more than one grade lower would not normally be considered as suitable alternative employment.
- 5.18 The cost of any pay protection will be met by the new school.

6.0 Links to other Policies/Documents

- 6.1 This policy should be read in conjunction with the following Trust policies (as appropriate) in order to determine whether individual employees are eligible for alternative employment.

- Redundancy Policy
- Capability Policy
- Disciplinary Policy
- Sickness Absence Policy
- Recruitment Policy

7.0 Further Guidance

- 7.1 Headteachers should contact HR for advice regarding the application of this policy. If schools require specific guidance, or the Trust view on any aspect of the policy and guidance, they may contact the Trust who will be happy to provide advice.

8.0 Policy Review

- 8.1 This policy will be reviewed in accordance with any changes to statutory legislation and in consultation with the recognised trade unions.

9.0 Approving Body & Date

5.03.2018