# Alternative Employment Programme (AEP) Guidance

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## Purpose

The Alternative Employment Programme (AEP) enables the movement of talent, knowledge, skills and experience around the council as we continue to re-shape the organisation. The council’s position is that, wherever possible, it is a priority to retain a well skilled workforce, one that is talented, knowledgeable and experienced.

We aim to provide employees and managers with the support needed tailored to individual circumstances. This includes support for employees to help them complete job application forms to secure another post in the council.

The council has specific responsibilities in cases of redundancy and disability. In cases of redundancy the council has a responsibility to consider suitable alternative employment where an employee may potentially be made redundant. In cases of disability there is a legal requirement to consider all reasonable adjustments, one of which could be an alternative type of work.

Cumberland Council vacancies are published on the council’s current vacancies webpage ([www.cumberland.gov.uk/your-council/jobs](http://www.cumberland.gov.uk/your-council/jobs)).

Job vacancies in schools are currently advertised on the Children’s Services Education Job Vacancies webpage: (<https://www.cumberland.gov.uk/schools-and-education/school-job-vacancies>).

## Eligibility criteria

There are various reasons why an employee may require the support of the AEP.

An employee can join the AEP if:

1. They are identified as at risk of redundancy through reorganisation or restructuring, including during maternity leave,
2. They are nearing completion of an Apprenticeship,
3. They are approaching the end of a fixed term contract and they will have more than one year’s continuous service by the date employment is due to terminate,
4. They become pregnant and cannot continue in their current post,
5. Through ill-health or disability, they cannot continue in their current post; or where another post could be more suitable due to their disability with a reasonable adjustment,
6. There are reasons connected with discipline, grievance or capability.

## Joining the AEP

When an employee is identified as eligible to join the AEP, for reasons other than restructures, the manager must complete the Manager Authorisation form and send it to the Resourcing Team electronically through the HR portal. For restructure reasons joining the AEP will be confirmed by HR Operations Teams.

Membership of the AEP ceases when an employee either secures alternative employment internally and their work trial period has been completed or when the employee has been unable to secure an internal role and there employment with the council ceases.

## Manager responsibilities

The line/service manager is expected to ensure the employee understands the AEP procedures and to arrange any training or support which may be required to assist the employee in securing a suitable alternative post.

The manager must hold regular meetings whilst the employee is on AEP to ensure they are proactively seeking a suitable alternative post and to update HR of any changes to the employment status or the employee’s circumstances. A review will take place after three months.

## Employee responsibilities

Employees on AEP are required to check the council’s Current Vacancies on a daily basis and submit an application for any jobs they wish to be considered for. Where an employee does not have access to the internet then they should notify their line manager so alternative arrangements can be made to check vacancies.

AEP employees should consider all posts which are a similar grade to their current post and where they can demonstrate that they have (or can attain with reasonable training and support) the knowledge, skills and experience to fulfil the key responsibilities of the advertised post. They should also consider changes to their working arrangements for example, whether they are able to work in an alternative location or different hours as this may enhance the possibility of securing an alternative post.

AEP employees need to be able to identify their transferable skills and consider how these may be applied in roles other than their current post or area of work. AEP employees can refer to our [Learning & Development Hub](https://cumbria.sharepoint.com/sites/ODWTCommunications) for training and development opportunities to upskill or re-skill for a new role.

Engagement with the AEP will be monitored. Where an employee on the AEP repeatedly fails to engage in the process they may be placed in a vulnerable position and may be removed from the programme. In serious cases this may also affect any entitlement to redundancy pay.

Where an AEP candidate submits multiple applications in a short space of time and is invited for a trial period discussion for more than one post and is offered one or more posts, they will be required to confirm acceptance of an offer on the same day or no later than 48 hours of the offer being made. If they do not, the offer may be rescinded as it may not be acceptable for the recruiting manager to delay any appointment or re-advertisement unduly.

If an AEP employee unreasonably refuses an offer of suitable alternative employment they may forfeit their entitlement to redundancy pay and may be removed from the AEP.

## Recruiting manager responsibilities - Shortlisting and Trial Period Discussion Meetings

All applications submitted by AEP employees must be considered by the recruiting manager before the advert closes or shortlisting of any other applicants has occurred.

Where an AEP employee meets or reasonably meets the essential criteria for the post, the recruiting manager must invite them to a discussion about starting a trial period in the role. Where there are gaps in the essential requirements, serious consideration should be given to whether with reasonable additional training, coaching or mentoring it would enable the AEP candidate to acquire them within a reasonable period of time.

For the purposes of shortlisting against the essential criteria for a role, the Recruiting Manager is expected to consider the following for AEP Candidates;

### Qualifications:

* Do they hold similar subject qualifications at a similar level as those required for the post?
* Where applicable, can they demonstrate demonstrable equivalent experience?

### Experience:

* Does the applicant have similar experience or transferable experience which means that they could adapt to the role in a reasonable period of time?

### Knowledge:

* Does the applicant have an acceptable level of knowledge of the areas of work?
* Or can the knowledge be gained within a reasonable period of time with suitable training?

### Skills:

Does the employee have transferable skills which would enable competence within the role within a reasonable timescale?

Guidance can be sought from HR Operations when determining the appropriateness of transferable skills.

In relation to applicants with a disability, recruiting managers must make all efforts to ensure that reasonable adjustments are provided for employees. In most cases the recruiting manager should have a discussion with the employee to determine what their needs are and their suggestions for support. Recruiting managers should contact People Management for further advice.

Recruiting managers must evidence the shortlisting and trial period discussion decisions providing detailed information where candidates are not shortlisted / appointed and the considerations/adjustments that were taken into account in the decision making process.

All shortlisting information must be provided to the Resourcing Team via the Recruitment Portal so that the outcomes can be recorded, moderated and trial period discussion letters can be issued. Where necessary, invitation letters should not be issued until all information has been received.

Recruiting Managers should agree any trial period start dates with the AEP applicant’s current line manager to ensure an informed transition for the employee to move into the trial for their new role.

Recruiting Managers can access the trial period discussion letters on our AEP information point and should issue out letters to the AEP applicant unless otherwise advised by the Resourcing Team that the letters will be issued centrally.

The recruiting manager will be advised by Resourcing Team of any applications from AEP employees who are due to leave employment prior to the scheduled shortlist or trial period discussion date. Where an AEP employee is identified as ‘at risk’ of redundancy and has been issued with notice of termination, they must be invited to a trial period discussion if they reasonably meet the essential criteria of the post and, if both parties agree, offered the post before their termination date.

Recruiting managers must be aware that where both AEP and non AEP employees are deemed as appointable through the recruitment process based on the criteria applicable to the circumstances, that AEP candidates will take precedence over non AEP applicants.

Where there are applications from more than one AEP employee, and where the reasons for displacement of such employees differ, recruiting managers must follow a priority order in shortlisting and initiating a trial period discussion. The priority order is as follows.:

* Priority 1 – Employees facing redundancy who are on maternity, adoption of shared parental leave.
* Priority 2 – Employees who are pregnant and cannot continue in their current post.
* Priority 3 – Employees who require a reasonable adjustment due to a disability or are deemed by Occupational Health to be medically unfit to carry out their substantive role.
* Priority 4 - Employees under threat of redundancy or facing expiry of fixed term contract for reasons of redundancy. This includes those nearing completion of an Apprenticeship.
* Priority 5 - Employees for reasons of discipline, grievance or capability.

AEP non-appointment decisions will be reviewed by the Resourcing Team to ensure consistent application of processes.

Recruiting managers must be prepared to provide constructive feedback to AEP candidates who are either not shortlisted or where both parties don’t agree to starting a trial period at the discussion. Feedback should be provided promptly to aid the AEP employee to adopt any suggested improvements to their applications or personal presentation technique.

## Redundancy and trial periods

An employee who is under notice of redundancy has a statutory provision for a four weeks trial period in an alternative job where the terms of the new contract differ from the original contract. The trial period begins when the previous contract has ended and ends four weeks after the date on which the employee starts work under the new contract.

The purpose of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to a redundancy payment. The manager should also use the trial period to assess the employee's suitability for the role and to consider what if any additional training is required.

The four-week trial period can be extended up to a maximum trial period of 3 months for retraining purposes by written agreement, specifying the date on which the trial period ends and sets out the employee's terms and conditions after it ends. However if the employee works beyond the end of the four week period, or the jointly agreed extended period, any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment. This will be communicated to employees when the trial of the new role is offered.

Should the manager wish to end the new contract within the four weeks or during any trial extension period for a reason connected with the new job, the employee will preserve the right to a redundancy payment under the old contract.

Managers should seek advice from HR Operations to ensure the council complies with its legal obligations. Management reserves the right to make the final decision on this matter, although the views of the employee will be taken into account.

## Moving to a suitable alternative post

Once an AEP employee has accepted the offer of an alternative post, the recruiting manager must advise the Resourcing Team and submit the appropriate transfer form via the Recruitment Portal.

The Resourcing Team will issue a formal offer letter and will initiate any checks required before a start date is arranged and the transfer completed. This may include references, health assessment and criminal records check as appropriate for the alternative role.

Where applicable, pay protection will be paid in line with the council’s Pay Protection Procedure. In cases of Alternative Employment, this provides for salary protection for a period of 12 months where an AEP employee moves to a lower grade role.

If the suitable alternative post is for a fixed term period (e.g. maternity cover) the AEP employee will be eligible to re-join the AEP 3 months before the end of the fixed term period or the return date of the individual they are covering for. In this case any redundancy costs remain with the original directorate, except where the receiving directorate further extends the fixed term contract when the costs will move to them.