

Priority access to vacancies policy and procedure

Purpose

The council aims to ensure that employees who are at risk of redundancy or who are unable to fulfil their contract of employment due to a disability or ill health are redeployed or appointed into suitable vacancies wherever possible. This also reflects the statutory obligations placed upon the council as an employer.

In order to achieve this, the council provides eligible employees with priority access to vacancies to give them prior consideration at interview if they meet the essential criteria of a role.

Priority access to council vacancies is also available to:

- Employees with 12 months' service on a fixed term contract that is due to end;
- Employees seeking alternative employment due to other reasons which may prevent them from undertaking their substantive role; and
- Graduates and apprentices whose training scheme has continued successfully beyond 21 months.

Recruiting managers must ensure that the council's obligations in relation to those employees seeking alternative employment are carried out in full and that proper consideration is given to applications received from all employees covered by the provisions of this policy.

Scope

The policy applies to all employees of the council excluding:

- Teachers, whose pay is determined by reference to the School Teachers Pay and Conditions Document
- Support staff employed by schools
- Non teaching employees in schools
- The Chief Executive, Executive Directors and Directors
- Employees with less than 12 months' continuous service with the council unless they are covered by the disability provisions of the Equality Act 2010 or have been issued with notice of redundancy whilst on maternity, adoption or shared parental leave.

Priority access status and duration

Priority Status	Category	Duration of Priority Access
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1A	'At risk' of redundancy following the notification of pregnancy until 18 months after the birth or expected week of childbirth, or 2 weeks following a miscarriage. OR in the case of adoption leave, for those 'at risk' of redundancy for 18 months after the date of placement. OR in the case of shared parental leave, for those 'at risk' of redundancy taking shared parental leave for six continuous weeks or more, for 18 months from the child's date of birth.	Notice period
1	'At risk' of redundancy (including fixed term employees with more than 12 months' LCC continuous service where the reason for ending the contract satisfies the criteria for redundancy).	Notice period
1	Seeking alternative employment as a result of disability or ill-health which means the employee can no longer undertake their substantive role.	12 weeks
2	Seeking alternative employment due to other reasons which may prevent the employee from undertaking their substantive role. (This process would be initiated by the employee's manager in discussion with Corporate HR).	4 weeks
2	End of fixed term contract – not redundancy.	Notice period
3	Participant in graduate / apprenticeship scheme in excess of 21 months.	12 weeks

Eligibility for priority access

Eligibility for priority access will be approved by the council's Corporate HR Team in accordance with the provisions of this policy.

The Corporate HR Team may also insist that posts are held vacant or filled on a temporary basis where there are likely to be suitable employees available in the imminent future in order to mitigate against job losses.

Gaining priority access to apply for vacancies

In order to gain priority access, the employee and their manager will need to complete a [priority access to vacancies form](#) and submit this to Corporate HR for review.

Once an employee has been granted priority access to vacancies, they will be able to search for suitable vacancies in the normal way, and when they submit an application they will be doing so as an employee with prior consideration.

It is important that the employee clearly demonstrates how they meet the essential criteria for the role within their application and that they don't delay their application to ensure smooth running of the process. For guidance on applying for roles and attending interviews, please refer to the CVs and interview skills section of the [career support](#) page.

Consideration of priority access applications

All employees with prior consideration who meet the essential criteria must be interviewed. This is not a normal interview process; it's an interview to assess the employee's suitability for the role. Information may be gathered from the employee's current service where this will help to determine that suitability, however this is also different from a normal reference of employment.

However, where a large number of employees with prior consideration meet the essential criteria, suitable candidates may be shortlisted on the basis of priority status i.e. priority 1/1A status candidates who meet the essential criteria will be shortlisted ahead of lower priority candidates.

Recruiting managers are obliged to consider any transferable skills and development needs of the employee, as part of the assessment of their overall suitability, e.g. if the employee could successfully undertake the role with an appropriate level of training / development, they should usually be offered the post. The Corporate HR team may get in touch with the recruiting manager to discuss this if further verification is required.

Where an employee with prior consideration is covered by the disability provisions of the Equality Act 2010, the recruiting manager must take account of the duty to consider reasonable adjustments which would enable the employee to meet the essential requirements of the post. Reasonable adjustments may include adjustments to the duties, hours and location of the post and/or offering employees a trial period in post of between 6 – 12 weeks in order that a more complete assessment of the post's suitability can be undertaken.

Prior consideration interview

A prior consideration interview may be undertaken in order to assess the employee against the key essential criteria for the post and to identify any training needs. Recruiting managers are obliged to consider any transferable skills and development needs as part of the assessment of their overall suitability.

The Corporate HR Team may request the manager ringfences the vacancy to a group of employees and hold prior consideration interviews to assess their suitability for the role. The employee is expected to fully engage and participate in this process in order to maximise their opportunities of securing alternative employment.

If a recruiting manager does not wish to appoint any of the employees identified, they must provide written reasons to the Corporate HR Team. The recruiting manager must not recruit to the post until they have provided these reasons and the rationale has been reviewed by the Corporate HR Team. The Corporate HR team may get in touch with the recruiting manager to discuss this if further verification is required.

Employees who are unsuccessful at interview will continue to have priority access to vacancies during the remainder of their notice period unless they are offered/assigned an alternative role prior to the end of their notice period.

Offer of employment

Where, following interview, it is determined that more than one employee meets or exceeds the benchmark for appointment, the post must be offered to the candidate with the highest priority status.

When the employee has accepted the role, priority access to vacancies will be withdrawn.

Offers of employment made to employees with prior consideration are not subject to a probationary period.

Compensation arrangements

Where the employee secures a role at a lower grade, they may be entitled to pay compensation in accordance with the [compensation payments policy](#).

Similarly, where the assignment necessitates a change in workplace, the employee may be entitled to claim an excess travel payment in accordance with the [compensation payments policy](#).

Policy version control

Version	Date	Change
2.0	6/04/24	<ul style="list-style-type: none">Policy updated to reflect the Protection from Redundancy (Pregnancy and Family leave) Act 2023
1.0	10/03/23	<ul style="list-style-type: none">The policy has been renamed "priority access to vacancies" because the council no longer operates a vacancy management system.All procedural elements have been updated to reflect current ways of working.Duplication of wording within the Scope and Compensation Payments sections has been removed.The priority status of employees seeking alternative employment on grounds of ill-health has been amended from 2 to 1, as the likelihood is that anyone who can no longer undertake their role due to their health would meet the definition of disabled under the Equality Act 2010 provisions.

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- The wording around priority access for employees on a fixed term contract that is due to end has been clarified.
 - An additional priority access category has been created for employees seeking alternative employment due to other workplace issues which may prevent them from undertaking their substantive role, in order to support employees in circumstances that are not covered by the existing categories.
 - The "Redeployment List – suffered detriment in grade and/or is eligible for excess travel" priority access category has been removed as this no longer applies.
 - The "Former employee seeking to return following Career Break" priority access category has been removed as this no longer applies.
 - The reference to "minimum" has been removed from the duration of access to vacancies to ensure access normally operates within a defined timeframe.
 - The "Ringfenced / Prior Consideration" section has been removed as the exceptional circumstances in which these arrangements would be used are already covered in the priority status table.
 - The "Corporate redeployment intervention" information has been removed as this service is no longer available.
 - Wording has been added to clarify that offers of employment made to employees with prior consideration are not subject to a probationary period.