



**Teachers Managing Absence (F8) Toolkit
TMA (F8)10:
Redeployment on Capability/Ill Health Grounds**



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Version Number	Effective Date	Details of Last Revision
1.0	11 th August 2025	

Introduction: Redeployment on Capability/Ill Health Grounds

Where a Teacher/Associated Professional's health and/or performance is impacting on their ability to carry out the duties of their post effectively and reasonable adjustments cannot be made or sustained the Council will seek, as far as possible, to avoid dismissing the Teacher/Associated Professional where a suitable alternative role can be found through redeployment. Consideration will be made as to whether a Teacher/Associated Professional would be capable of carrying out the same role in a different establishment or whether a different role in Education & Families or the wider Council would be more appropriate. The Teacher/Associated Professional would have to have the necessary skills to do the job or be able to obtain these skills within a reasonable timeframe.

The Council will make every attempt to match a Teacher/Associated Professional to their existing terms and conditions of service as far as is reasonably practicable. However, there will be no guarantee that a Teacher/Associated Professional will be redeployed into a post at the same wage/salary, hours of work, location etc. and, therefore, there will be no entitlement to preservation of the previous terms and conditions of employment, including salary/wage. If a Teacher/Associated Professional is redeployed to a non-teaching post, they would be agreeing to the terms and conditions of employment associated with that post.

There is no obligation on the Council to create a role in order to redeploy a Teacher/Associated Professional, however if a suitable vacancy exists redeployment should be considered.

Redeployment will only be considered once all reasonable adjustment options have been exhausted and the Teacher/Associated Professional remains unable to carry out the duties of their role effectively. This must be supported by advice from occupational health.

Where a Teacher/Associated Professional is considered to have a disability as defined by the Equality Act 2010, and his/her employment is 'at risk' the Council has a duty to make reasonable adjustments to support the Teacher/Associated Professional to continue in their existing post in the first instance. Where it would be considered unreasonable to make the necessary adjustments to the Teacher/Associated Professional's existing post the Council is obliged to consider suitable alternative employment in accordance with this process.

The Council will provide appropriate training and support for the new post, where necessary.

The Council will ensure that a Teacher/Associated Professional who is in a redeployment situation will be granted a suitable job placement for a minimum of 4 weeks, where necessary. Within the period of the job placement, the Teacher/Associated Professional will continue on his/her existing terms and conditions of employment as part of a phased transition.

If it has been determined that redeployment out with Education & Families is a suitable option a Teacher/Associated Professional will be placed on redeployment for a maximum of 12 weeks.

If, having exhausted this procedure, redeployment is not possible, the case will be dealt with in accordance with the appropriate policy or procedure, and may ultimately lead to the termination of the contract of employment on the grounds of capability.

Section 1: Suitable Alternative Employment

Discussions as to whether a Teacher/Associated Professional should be considered for redeployment should start as early in the Teachers Managing Absence process as possible. Whilst the Council should consider redeployment as an alternative to dismissal the Teacher/Associated Professional is not obliged to accept the offer to seek suitable alternative employment. However, Teachers/Associated Professionals must be advised of the likelihood of them being dismissed from their post if they do not pursue redeployment.

Some Teachers/Associated Professionals may not be well enough, either physical or mentally to consider redeployment and advice on the suitability of redeployment in relation to the circumstances of each individual should be sought from occupational health.

If it has been determined that redeployment is a suitable option for the Teacher/Associated Professional they will be placed on the redeployment register for a period not normally exceeding 12 weeks, unless there have been extenuating circumstances which warrant special consideration. Each case will be considered on its own merits, and in consultation with Employment & Policy.

Teachers/Associated Professionals in a redeployment situation will be considered for suitable alternative posts, provided they meet the essential criteria, or could satisfy the essential criteria with a short period of training during the period of the job placement.

Section 2: Role of the Head Teacher / Depute Head Teacher

A Head Teacher/Depute Head Teacher should contact their Employment & Policy Adviser in the first instance if they consider a Teacher / Associated Professional may be in a relocation/redeployment situation. Depending on the situation there would normally always be an attempt to find suitable alternative employment within Education & Families in the first instance. This will include considering Teachers/Associated Professionals for employment at other locations and/or on other appropriate duties including posts which are not necessarily the same as their existing grade, or on their existing salary/wage but which are as near as is practicable to their substantive terms and conditions of service.

If after discussing with a Teacher/Associated Professional that relocation to another establishment or post within Education & Families would be the best option then the Employment & Policy Adviser will make contact with the HR Business Partner team for any suitable vacancies.

In the case of Teachers/Associated Professionals with a disability, the Head Teacher must first consider making suitable reasonable adjustments where appropriate, under the terms of the Equality Act 2010, and in line with case law before offering redeployment.

For posts out with Education & Families the Head Teacher will be required to ensure the Teacher/Associated Professional completes a redeployment profile form providing details of their skills, experience, and knowledge. The Head Teacher should where possible assist the Teacher/Associated Professional with the completion of the form.

Further guidance on the redeployment process out with Education & Families can be found [here](#)

Section 3: Teacher/Associated Professional Responsibility

When it has been agreed that redeployment will be sought, a Teacher/Associated Professional has a responsibility to engage in the process to achieve a positive outcome. The Teacher/Associated professional must do the following:

1. Engage with the HR Business Partner team for suitable posts within Education & Families
2. Complete the redeployment profile form for posts out with Education & Families and meet with the redeployment co-ordinator who will explain the process
3. Attend redeployment interviews as arranged by the HR Business Partner or redeployment co-ordinator
4. Regularly review any internal vacancies and inform the HR Business Partner or redeployment co-ordinator of any that are of interest to you

Should a Teacher/Associated Professional refuse an offer of suitable alternative employment then the Teachers Managing Absence process would resume, and a decision made on their continued employment with the Council.

Section 4: Role of Employment & Policy

From the start of the process, Employment & Policy will provide advice and support as necessary to both Head Teachers and Teachers/Associated Professionals.

Discussions about relocation or redeployment and whether it should be explored will be discussed during the Teachers Managing Absence process, which Employment & Policy support.

Employment & Policy may also provide support during the redeployment process such as liaising with the HR Business Partner for posts within Education or with the Redeployment Co-ordinator to identify suitable alternative vacancies out with Education, assisting the Teacher/Associated Professional to complete the redeployment profile, facilitate discussions between services and support Head Teachers in discussing the suitability of vacancies with the Teacher/Associated Professional.

Once the redeployment process has been exhausted, as a result of the efforts of all parties, if no suitable alternative is found, consideration will need to be given as to how to proceed taking each the circumstances of each case into account. Employment & Policy will provide advice and support to Head Teachers as to the next steps, in accordance with the Teachers Managing Absence process.