

**Devon and Cornwall Police Authority HR Committee
17 September 2008**

Open for the purposes of FOI
Report of Director of Human Resources

Redundancy and Redeployment Policies

Recommendation(s):

(i) that the Committee endorse the recently completed revised Redundancy and Redeployment policies for police staff.

Introduction / Summary

1. During late 2006 there was considerable consultation with the recognised Trade Unions on the redundancy terms and also the associated redeployment process at a high level. The Police Authority approved the redundancy terms in 2007 and accordingly work began on drafting the revisions to the Redundancy Policy. It was agreed the Force would draft a new Redeployment Policy as redeployment occurs for a variety of reasons not just in redundancy situations.
2. Both policies were produced further to consultation, which in the main included HR managers, Finance, Legal and the Partnership Group which includes the Trade Unions. The policies were submitted to the Joint Negotiating/Joint Consultation Committee in June 2008 and were approved, accepting that detailed guidance notes needed to be finalised in support of the policies. The policies are attached as Appendix A and B.
3. The Guidance Notes for both policies have been developed and consulted upon. At the Partnership Group meeting on 28 August 2008 these were discussed and finalised.
4. During the Trade Union discussions in relation to the implementation of the national Police Staff Council Handbook it was agreed that there will be a 12 month pay adjustment period (including the period of notice of change) where an individual is redeployed into a role where the requirement to work shifts and/or weekend reduces or ceases. Where such a transfer occurs as a result of major organisational change the protection will be in accordance with the prevailing policy, which currently is for protection over a four year period on a sliding scale. A slight amendment is being made to para 11.4.1 of the redeployment policy to provide greater clarity. This has been discussed and agreed with the trade unions via the Partnership Group.

Contact: for further information

Name Graham Cooper
Job Title Head of Performance & Reward
Telephone 01392 452215
E-mail Graham.cooper@devonandcornwall.pnn.police.uk
Sponsored by Chris Haselden, Director of Human Resources.

Appendix A

*@D37

*@D88

*@D203

*@D254

*@D273

DEVON AND CORNWALL CONSTABULARY POLICY AND PROCEDURE D362

REDEPLOYMENT POLICY : POLICE STAFF

Version Dated: 04/06/08

Contents

1. [Policy Statement](#)
2. [Audit Declaration](#)
3. [Communication and Consultation](#)
4. [Application](#)
5. [Temporary Redeployment](#)
6. [Permanent Redeployment](#)
7. [Suitable Alternative Employment](#)
8. [Permanent Redeployment Procedure](#)
9. [Trial Period](#)
10. [Training](#)
11. [Protection of Salary](#)
12. [Removal and Excess Travel Costs](#)
13. [Refusal of Suitable Alternative Employment](#)
14. [Appeal Process](#)
15. [Support and Guidance](#)
16. Review

1. POLICY STATEMENT

- 1.1 Devon and Cornwall Constabulary is committed, as far as is reasonably practicable, to maintaining security of employment for existing staff whilst ensuring efficient and effective use of current skills and encouraging workforce flexibility in achieving organisational requirements. Redeployment will always be considered as an alternative to redundancy.
- 1.2 The key objective of this policy, therefore, is to find meaningful and appropriate employment for individuals who are unable to continue in their current post, either temporarily or permanently, and in the circumstances described below.

2. AUDIT DECLARATION

- 2.1 This policy has been drafted and audited in accordance with the principles of Human Rights legislation, the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 1995, the Policing Bureaucracy Gateway and

Freedom of Information Act 2000. Under the Freedom of Information Act 2000, the document is classified as 'OPEN'.

3. COMMUNICATION AND CONSULTATION

- 3.1 It is expected that an employee subject to the terms of this policy will be communicated with at appropriate points in the course of the processes set out within this policy.
- 3.2 Where potential redeployment exists as a result of widespread organisational change there will be full and meaningful consultation with police staff representatives as well as the individuals involved. In cases of individual redeployment, appropriate consultation will take place in a way that is agreed with the individual.

4. APPLICATION

- 4.1 This policy applies to all police staff and covers temporary or permanent redeployment where:
- * the operational requirements of the Constabulary mean that the job a member of staff is doing is no longer required and a potential redundancy situation exists;
 - * a fixed-term contract is ended on grounds of redundancy and a potential redundancy situation exists;
 - * due to medical reasons, a member of staff is unable to fully perform their current role;
 - * redeployment may facilitate a disciplinary investigation or be necessary following the agreed outcome of a disciplinary or grievance procedure; or
 - * an employee is potentially or actually displaced, following the regrading of their specific post by the grading panel.
- 4.2 This policy does not apply to Police Officers or Special Constables.

5. TEMPORARY REDEPLOYMENT

- 5.1 The Force may need to accommodate temporary changes to an individual's job in specific instances. This policy is intended to cover all redeployment situations. However, certain categories of temporary redeployment are covered by specific policies. If there is any conflict between this redeployment policy and the specific policies below, the specific policies listed will override the conflicting provisions of this policy.
- 5.2 **Recuperative Duties**, where a period of rehabilitation of up to six months is needed to assist an individual's return to work following illness or injury. In exceptional circumstances the six-month period may be extended. The Policy is contained within [D037](#) Attendance Management Policy.

5.3 Maternity Restrictions, where there is a need to assess and reduce workplace risks for women who are pregnant, who have given birth in the last six months and for those who are nursing mothers. This may involve a temporary reassignment of duties. The Policy is contained within [D088](#) Family Leave Policy.

5.4 Disciplinary Investigation, where a member of Police Staff is temporarily redeployed while a complaint or allegation concerning a member of police staff has been made and a disciplinary investigation is being carried out. (Temporary redeployment in no way implies any guilt or wrongdoing but provides an appropriate response to the allegation or complaint and/or facilitates a necessary investigation.)

6. PERMANENT REDEPLOYMENT

6.1 Where an individual's role is no longer required, or where they are no longer able to perform that role for medical or other organisational reasons as outlined in Section 4, the Force will work with the individual to identify a suitable alternative role in which to permanently redeploy them.

6.2 In such circumstances, the Redeployment Procedure as set out in section 8 will be followed in consultation with prospective line managers, HR and specialist advisers such as Occupational Health, Trade Union Representatives, as appropriate.

7. SUITABLE ALTERNATIVE EMPLOYMENT

7.1 Every effort will be made to offer suitable alternative employment for employees who are to be redeployed. In determining whether a post is suitable factors such as grade, location, job content, responsibility, status and terms and conditions should be taken into consideration.

8. PERMANENT REDEPLOYMENT PROCEDURE

8.1 Redeployment processes may change from time to time to most appropriately fit the circumstances at the time, such as, for example, where there is a wide-scale organisational review. However, the guiding principles outlined in this Policy will remain in force.

8.2 Where a post is identified as no longer being required, the postholder will receive notification. However, they will not necessarily be given immediate formal notice of redundancy and either of the initial processes of redeployment set out below may be considered more appropriate in the first instant.

8.3 Closed Selection, Matching and Slotting

8.3.1 Where organisational reviews occur, staff in an affected group will be considered as a 'closed' pool for that review and will receive priority treatment

for available posts within the defined group. Such priority treatment may take the form of a closed selection process, matching or slotting.

- 8.3.2 Where a member of staff has not been allocated a role within any such closed selection pool for their unit, they will either be provided with initial redeployment support or be placed on the Redeployment Register.

8.3.3 Closed Selection

This is where selection is restricted to a pre-defined sub-set of the organisation in the first instance. This sub-set is known as a selection pool. Whilst an area is under closed selection, individuals on the redeployment register will not be eligible for consideration. In some limited circumstances an individual subject to the provisions of the Disability Discrimination Act may be considered for roles within closed selection pools. Further advice should be sought from the appropriate HR Unit and/or the Equality and Diversity Department.

8.3.4 Matching

This is where roles have not materially changed in the new structure and where there is no competition for a particular role, i.e. the number of current incumbents is the same or less than that required in the future. There is no change to the grade for the role. No selection process is undertaken and all current incumbents are simply confirmed in role. In the event that there is competition for the role, i.e. more incumbents than new roles, a competitive selection will need to be conducted.

8.3.5 Slotting

This is where roles have changed to some degree (with no change in the grade) but are sufficiently specialist or technical in nature that the candidate pool is contained and obvious and there is no competition for the roles, i.e. the number of current incumbents is the same or less than that required in the future. In the event that there is competition for the role, i.e. more incumbents than new roles, a competitive selection will need to be conducted.

8.4 Redeployment Support

- 8.4.1 Where a post has been identified as not being required in the long term but the date for its discontinuance is considerably more than 90 days away, individuals will not be placed on the Redeployment Register. However, such individuals will be given additional support to find alternative suitable roles within the force prior to being placed formally at risk.

- 8.4.2 Such help may take the form of:

- * Training in CV preparation and interview technique;
- * Regular reviews with their line manager and HR representative; and/or

- * Being advised when roles considered appropriate become available for open selection.

8.4.5 Depending on the scale of organisational change, such help may be provided either by local or central HR units, or when numbers warrant it, by external agencies.

8.4.6 The individual's position will be reviewed monthly and as part of this, they will be considered for placement on the Redeployment Register.

8.5 Redeployment Register

8.5.1 A single Force-wide Redeployment Register will be maintained and monitored centrally to provide a co-ordinated approach for those individuals across the Constabulary who are no longer able to fulfil their role or who are formally at risk of redundancy.

8.5.2 Every effort will be made to secure suitable alternative employment for employees on the Redeployment Register. In determining whether a post is suitable factors such as grade, location, job content, responsibility, status, terms and conditions and job prospects should be taken into consideration.

8.5.3 An individual will be placed on the Redeployment Register in the following situations:-

8.6 Redundancy

In accordance with [D254](#), Redundancy for Police Staff, and following the formal consultation period and approval by the Head of HR, at the time that formal notice of redundancy is served.

8.7 Medical

8.7.1 When a medical report from Occupational Health advises that an employee is no longer able to continue in their current post due to medical reasons and recommends alternative employment, the local HR Manager will decide whether or not to place the employee on the Redeployment Register. Details regarding redeployment on medical grounds can be found in [D037](#), Attendance Management Policy.

8.7.2 If an individual with a degenerative condition, or as a result of a serious illness or injury, has had six months of recuperative duties and has still not recovered sufficiently to return to contractual hours of employment at their normal post, consideration may be given to redeployment into a suitable post of similar or lower grade subject to medical enquiry. In such a case, and following consultation, the individual may be placed on the Redeployment Register. Details of the Capability Procedure are included in [D037](#) Attendance Management Policy

8.7.3 Where a person has an impairment or condition that might be covered by the Disability Discrimination Act, care must be taken to proceed in accordance with the provisions of that Act. In particular, in the first instance managers must, in consultation with Occupational Health and their HR unit, ensure that they give consideration to making reasonable adjustments to allow the employee to continue in their current post.

8.7.4 Where it is not possible for the employee to continue in their current role, redeployment must be considered and the individual should be put on the Redeployment Register. Again, consideration must be given to whether there are any reasonable adjustments that can be made to assist the individual with redeployment.

8.7.4 In certain exceptional circumstances it may be appropriate to allow an individual covered by the DDA to partake in an otherwise closed application process or to deploy that individual into a role of a higher grade. This will depend on the circumstances of the case and advice should be sought from Occupational Health and HR.

8.8 Other Redeployment

8.8.1 Other redeployment may involve capability or disciplinary cases and the relevant policies must have been followed prior to an employee reaching the redeployment stage. In capability cases, the manager and employee may agree that it is appropriate to look for alternative employment within the Constabulary that is more suited to the employee's skills and abilities. In such cases, the Head of HR will decide whether it is appropriate for the individual to be placed on the Redeployment Register.

8.8.2 In other exceptional circumstances e.g. dignity at work and capability issues, consideration may be given to the employee being placed on the Redeployment Register.

8.9 Scope of Redeployment

8.9.1 An individual may be offered redeployment to any role which is of the same or a lower grade than their current one, and in which they may reasonably be considered competent. However, in offering redeployment to a lower grade, consideration must be given as to whether this would meet the requirements of 'reasonable alternative employment'. (See Section 7.)

8.9.2 In order to maintain ongoing employment within the Force, an individual may also volunteer to be redeployed to a post whose scale is lower than the current post, despite this not meeting the requirements of 'reasonable alternative employment'. In such circumstances, consideration will be given to the individual remaining on the Redeployment Register, subject to regular review, in order that they may be considered for vacancies at their previous grade.

8.10 Priority Status

8.10.1 All eligible candidates on the Register will be considered for suitable vacancies at the same or lower grade before they are advertised openly across the Constabulary and/or externally.

8.10.2 An individual who is considered to meet the minimum standard for a role at a higher grade will be guaranteed an interview in an open selection process, but will not be given any preference at the interview stage over other candidates.

8.11 Timescale

In cases of redeployment, there will normally be a 90-day period from the date of being placed on the Redeployment Register *within* which attempts should be made to find suitable alternative employment. Any extension to the redeployment period shall be on an exceptional basis and be dependent on individual circumstances.

9. TRIAL PERIOD

9.1 An offer of alternative employment will always include a trial period to allow time for the employee to decide whether they feel the role is suitable and for management to assess if the employee is suited to the role.

9.2 There is a requirement that staff co-operate in efforts to secure alternative employment, including undertaking a trial period to assess suitability for different posts, undergoing re-training and attending interviews and discussions.

9.3 The trial period will usually last for four weeks but may be extended by mutual agreement to provide essential training if necessary. The period may also be extended in other exceptional circumstances, such as absence through illness during the initial trial.

9.4 The decision regarding any such extension, and its duration, lies within the discretion of the Head of HR,

9.5 In the case of an individual who has had formal notice of redundancy served the statutory trial period will commence at the end of the notice period. If the alternative employment is unsuitable, the individual will be deemed to have been dismissed on grounds of redundancy on the expiry of their original notice period. In such a case, their employment during the trial period will be based on a new contract of employment for that period.

9.6 If a suitable job offer is accepted at the end of the trial period the individual will be deemed to have commenced the role at the start of the trial period.

10. TRAINING

10.1 The Constabulary is committed to providing all staff with short-term training, which may assist them in fulfilling the duties of a new post. An agreed training

programme provided by the recruiting department/service will be developed by the line manager and in conjunction with the Learning and Development Officer of the HR Group.

11. PROTECTION OF SALARY

11.1 In the circumstances prescribed below, employees will be entitled to some form of pay protection. It will be the responsibility of the department/BCU that the employee is being redeployed from to pay the protection element of the salary for the post that the employee is redeployed into. The new department/BCU will only pay the actual salary of the post.

11.2 Temporary Redeployment

Where an individual has been temporarily redeployed their salary and any shift/weekend payments will be maintained for the period of the temporary redeployment. Such a situation is not expected to exceed a six-month period, although this may be extended in exceptional circumstances.

11.3 Permanent Redeployment

11.3.1 Where an individual is permanently redeployed into a post which is not equivalent, in terms of salary, to the one he or she has been occupying, s/he will be offered protection of their basic salary.

11.3.2 Where an individual is redeployed to a role one grade lower than their current salary, their pay will be frozen until such time as the top of the lower grade is equivalent. For an employee in an M graded post and in receipt of performance based increments, these will be included within the normal salary for protection.

11.3.3 Where an individual is redeployed to a role two grades or more lower than their current grade, their reduction in salary will be limited to one grade above the grade of the post into which they are transferred. (E.g. current grade 6, new grade 3, the salary will be protected at the equivalent to the top of grade 4 until such time as the top of grade 3 is equivalent.)

11.3.4 Where an individual voluntarily redeploys to a role lower than their current grade in order to continue their employment with the Constabulary, this will be on the basis of the terms and conditions that apply to the new post and will be effective from the date of appointment. Accordingly, they will not be entitled to any pay protection.

11.4 Shift and/or Weekend Payments

11.4.1 Individual or Local Redundancies

Where an employee in receipt of shift and/or weekend payments is redeployed to a post where the entitlement for either shift and/or weekend

working payment, is reduced or ceases, the value of the shift allowance and/or weekend working payment will be frozen at the date of transfer and then will cease to be paid 12 months after the notice of redundancy was issued.

11.4.2 Major Organisational Change

However, in the event of major organisational change, pay protection will apply in accordance with the prevailing Force policy

11.4.3 Consultation

The decision as to what period applies will be decided in the consultation period with the trades unions for the specific major organisational change programme

12. REMOVAL AND EXCESS TRAVEL COSTS

- 12.1 An employee who incurs additional travelling costs as a result of their redeployment to another location will be entitled to some assistance. The allowances and criteria are set out in policy [D203](#) Removal Expenses/Occupation of Property: Police Officers and Support Staff.
- 12.2 In exceptional circumstances where an individual requests a redeployment to another location and it is not within a reasonable travelling distance the Constabulary may consider relocation assistance. Each case will be reviewed and a decision made by the Head of HR.

13. REFUSAL OF SUITABLE ALTERNATIVE EMPLOYMENT

- 13.1 Any offer of redeployment will be put in writing by the Constabulary. The offer will show how the new employment differs from the old and by law must be made before the employment under the previous contract ends. The offer must be for the new job to start immediately after the end of the previous job or after an interval of not more than four weeks.
- 13.2 Where a member of staff has not accepted redeployment into a post that can be fairly considered to be a suitable alternative then consideration may be given to either termination of employment or resignation.
- 13.3 An employee who has had formal notice of redundancy served may lose their right to any redundancy entitlement if they unreasonably refuse an offer of suitable alternative employment.
- 13.4 Unreasonable refusal can include where the differences between the new and former job are not considered significant, or where the employee assumes rather than investigates the changes that a new job might involve, e.g. in travelling time or working conditions.

- 13.5 Refusal may be reasonable if the new job would cause significant domestic upheaval, e.g. if there was a considerable change in working hours, loss of status, impractical location or where redeployment is to a temporary post, e.g. maternity cover.
- 13.6 Employees have the right to appeal against any decision to redeploy them and should follow the procedure for appeal outlined below.

14. APPEAL PROCESS

- 14.1 An employee aggrieved as to their treatment under the Redeployment Policy will have a right of appeal through the Constabulary's Fairness at Work process, details of which are in Policy [D273](#) Fairness at Work: Grievance, Anti-Harassment and Anti-Bullying.

15. SUPPORT AND ADVICE

ACAS www.acas.org.uk	08457 474747
Department for Business, Enterprise and Regulatory Reform	0117 946 9500
Employee Assistance Programme	
Employee Relations Manager	23724
GMB	23695
HR Units	
TGWU	22208
UNISON	22247

16. REVIEW

- 16.1 The annual review of this policy is the responsibility of the Director of Human Resources and its annual review will be carried out by the Head of Human Resources.

*@D203

*@D362

DEVON AND CORNWALL CONSTABULARY POLICY AND PROCEDURE D254

REDUNDANCY POLICY : POLICE STAFF

Version Dated: 04/06/2008

1. POLICY STATEMENT

- 1.1 The Devon and Cornwall Constabulary's objective is to maintain, where possible, secure employment for its staff. However, circumstances may arise where budget constraints, changes to the pattern or volume of work, working methods, or technology render redundancies unavoidable. At all times the Constabulary will endeavour to avoid compulsory redundancies.
- 1.2 The key objective of this policy is to ensure that staff facing redundancy are treated fairly and equitably and that the Constabulary meets its obligations under employment legislation.

2 AUDIT DECLARATION

- 2.1 This policy has been drafted and audited in accordance with the principles of Human Rights legislation, the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 1995, the Policing Bureaucracy Gateway and Freedom of Information Act 2000. Under the Freedom of Information Act 2000, the document is classified as 'OPEN'.

3. CONTENTS

1. [Policy Statement](#)
2. [Audit Declaration](#)
3. [Contents](#)
4. [Introduction](#)
5. [Action to Avoid Compulsory Redundancy](#)
6. [Consultation and Notice Periods](#)
7. [Selection for Compulsory Redundancy](#)
8. [Voluntary Severance](#)
9. [Redeployment](#)
10. [Trial Period at Expiry of Contract](#)
11. [Refusal of Suitable Alternative Employment](#)
12. [Right of Appeal](#)
13. [Salary Protection](#)
14. [Support and Assistance](#)
15. [Removal and Excess Travel Costs](#)
16. [Redundancy Payments and Pension](#)
17. [Transfers of Undertakings](#)
18. [Redundancy Modification Order 1999](#)

19. [Fixed-term Contracts](#)
20. [Support and Advice](#)
21. [Review](#)
22. [Appendix A](#) – Redundancy Ready Reckoner

4. INTRODUCTION

4.1 Successful Human Resource planning can help to determine existing and future staffing needs but it is inevitable that redeployment of labour and redundancies will sometimes be necessary for the efficient and effective delivery of the Force's objectives.

4.2 It is a management responsibility to identify where there may be a potential imbalance in numbers of employees when viewed against the number of posts that are required.

4.3 The relevant HR Managers will notify the Head of Human Resources of all proposed redundancies. The Employee Relations Manager will notify the Secretary of State under the Collective Redundancies (Amendment) Regulations 2006, where applicable. (Department for Business, Enterprise and Regulatory Reform) (www.berr.uk)

4.4 The Employee Rights Act 1996 (ss108 and 155) states that an employee must have two years' continuous service with the same employer or an associated employer in order to qualify for a redundancy payment (at the relevant date of redundancy). (See also [Redundancy Modification Order](#)).

4.5 Dismissal on the grounds of redundancy is a potentially fair reason for dismissal but failure to follow the procedure or to act fairly or reasonably may make the dismissal unfair and may incur costs to the Constabulary.

5. ACTION TO AVOID COMPULSORY REDUNDANCY

5.1 Where the possibility of redundancy arises, the Constabulary will enter into consultation with the individual and appropriate employee representatives with a view to considering all the options. If redundancies are being contemplated, the Constabulary will consider the following, subject to organisational needs at the time:

- achieving reductions through natural wastage
- reducing overtime working in affected areas to a level essential to meet organisational needs or to provide essential services
- reviewing and restricting recruitment in the staff categories affected and in those areas where staff surplus might be absorbed
- reviewing the employment of agency staff
- making every effort to redeploy redundant staff to suitable alternative work within the Constabulary
- seeking volunteers from an identified group of appropriate staff provided that management finds voluntary redundancy acceptable and

cost justifiable when considered against organisational and operational needs.

6. CONSULTATION and NOTICE PERIODS

6.1 The Constabulary values the support of recognised Trades Unions and individuals in helping to alleviate or minimise the need for compulsory redundancies. The Constabulary undertakes to consult with the appropriate representatives and individuals when redundancies are proposed in accordance with our statutory duty.

6.2 Consultation must begin in good time in all cases and will be completed before any redundancy notices are issued. In particular, consultation must begin:

- at least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant over a period of 90 days or less
- at least 90 days before the first dismissal takes effect if 100 or more employees are to be made redundant over a period of 90 days or less

6.3 Whilst there is no legal requirement to do so the Constabulary will, where appropriate, consult with the appropriate trade union representative/s where it is proposed that less than 20 employees are to be made redundant.

6.4 When redundancies are proposed the Constabulary will consult with the trade union representatives, typically through the Partnership Group, with a view to reaching agreement. Consultation will at least cover ways to avoid redundancies or reducing the number of redundancies, and of mitigating the consequences of redundancy. It will also include:

- the reasons for the proposed redundancies
- the numbers and roles it is proposed to make redundant
- the way in which employees will be selected for redundancy
- the proposed method of carrying out the dismissal including the period over which the dismissals are to take effect
- the proposed method of calculating the amount of any redundancy payments

6.5 The Constabulary will consult each individual who is to be made redundant in addition to the collective consultation through the Partnership Group.

6.6 When it is identified that an individual is at risk of redundancy they may not necessarily be given immediate formal notice of redundancy. Instead, the redeployment process may be considered more appropriate in the first instant. Details are included in [D362](#), Redeployment Policy : Police Staff.

6.7 The position will be reviewed regularly and if the decision is reached to make the employee redundant, the notice period will be at least the period of contractual or statutory notice (whichever is greater), although wherever reasonably practicable this will be enhanced up to 90 days notice.

7. SELECTION FOR COMPULSORY REDUNDANCY

- 7.1 The Constabulary will determine in consultation with the trades unions the “affected pool” of posts from which redundancies will be made. Where the pool includes posts that are to continue, then the selection criteria for individuals within the “pool” will also be determined in consultation with the trade unions. Examples of a pool could be a department, a whole professional function, a specific layer of the organisation such as all management roles or all similar roles within a defined geographical area.
- 7.2 Following an organisational review (be that at team, departmental or Forcewide level) selection for any new or remaining posts will be “closed” to the staff within the affected pool. During this closed selection, staff will be ‘selected in’. “Selecting in’ is the selection of people into roles by gathering positive proof of their ability to perform the role, typically through interview or assessment centre following short-listing based on application form or consideration of recent information on performance.
- 7.3 At this stage people will be ‘selected out’ (i.e. in essence, selected for redundancy), by being assessed against a set of criteria which must be consulted on in advance with the Partnership Group. The selection criteria may include skills, experience and aptitude; standard of work performance; flexibility, adaptability and potential contribution; attendance; and misconduct.
- 7.4 This list is not exhaustive and indeed the actual selection criteria will be determined for each redundancy exercise bearing in mind the scale of the exercise and the reasons for it.
- 7.5 Whatever selection criteria are chosen, care will be taken to ensure that they are neither directly nor indirectly discriminatory.
- 7.6 The Fairness @ Work procedure is available to any employee who feels that the selection criteria have been unlawfully applied in their case.
- 7.7 An employee will **not** be selected for redundancy specifically:
- for participation in trade union activities
 - for carrying out duties as an employee representative
 - for taking part in an election of an employee representative
 - for taking action on health and safety grounds as a designated or recognised health and safety representative
 - for asserting a statutory employment right
 - on grounds relating to pregnancy, childbirth, maternity, paternity or time off for dependants
 - for reasons relating to the assertion of rights under the Working Time Regulations 1998
 - for requesting flexible working arrangements
 - on the grounds of sexual orientation, gender, race, disability, religion, belief or age

- for being a trustee of a trust scheme.

8. VOLUNTARY SEVERANCE

8.1 The Constabulary will consider a voluntary severance scheme as a means to minimising the need for compulsory redundancies.

8.2 Voluntary severance will normally be offered to staff on a targeted basis only following approval by the HR Director. The compensation terms will typically be the same as those that apply in cases of compulsory redundancy. The Constabulary has the right to refuse an individual's request for voluntary severance.

8.3 Where voluntary severance is offered and accepted consideration will be given to waiving the recovery of monies paid to the individual in respect of training, sponsored learning and relocation.

8.4 The Constabulary undertakes to consult with the trade union representatives and individuals where voluntary severances are proposed to meet statutory obligations.

9. REDEPLOYMENT

9.1 Individuals whose roles have been identified as not required in the longer term, but who are not immediately served formal notice of redundancy will be provided with redeployment support, such as training in CV preparation and interview technique, regular reviews with line management and HR representatives and notification of appropriate roles becoming available for open selection.

9.2 In addition, the Constabulary maintains a Redeployment Register to provide a co-ordinated approach to identifying individuals across the Constabulary who are eligible for redeployment. In the case of redundancy, the individual will be eligible for inclusion on the Register from the beginning of their formal redundancy notice period and will remain on the Register until the end of the redundancy notice period, or they are successfully redeployed, (whichever is sooner).

9.3 All eligible candidates on the Register will be considered for a vacancy before it is advertised openly across the Constabulary and/or externally.

9.4 For full details of the redeployment policy as a result of redundancy please refer to D362 Redeployment Policy.

10. TRIAL PERIOD AT EXPIRY OF CONTRACT

10.1 An offer of alternative employment as a result of redundancy will always include a trial period to allow time for the employee to decide whether they

feel the role is suitable and for management to assess if the employee is suited to the role.

- 10.2 The trial period will last for four weeks as required by statute but may be extended by mutual agreement to provide essential training if necessary.
- 10.3 The trial period will take effect from the expiry of the notice period and commencement of the new role.
- 10.4 If a suitable job offer in terms of pay, hours of work, status, skill and location is made and an employee unreasonably refuses the offer, they will forfeit their right to a redundancy payment (s.141 ERA 1996).
- 10.5 If a suitable job offer is accepted at the end of the trial period the individual will no longer be under threat of redundancy. They will be removed from the Redeployment Register and will not normally be considered for any other suitable alternative jobs.
- 10.6 If, during the trial period or at the end of the trial period, it is agreed the role is unsuitable the employee will be released on the ground of redundancy. Where eligible under legislation, the employee will receive the appropriate redundancy payment.
- 10.7 If the employee works beyond the end of the trial period any redundancy entitlement will be lost and the employee will be treated by the Constabulary as having accepted the new employment.

11. REFUSAL OF SUITABLE ALTERNATIVE EMPLOYMENT

- 11.1 Any offer of redeployment will be put in writing by the Constabulary. The offer will show how the new employment differs from the old and by law must be made before the employment under the previous contract ends. The offer must be for the new job to start immediately after the end of the previous job or after an interval of not more than four weeks.
- 11.2 Where a member of staff has not accepted redeployment into a post that can be fairly considered to be a suitable alternative then consideration may be given to either termination of employment or resignation.
- 11.3 An employee who has had formal notice of redundancy served may lose their right to any redundancy entitlement if they unreasonably refuse an offer of suitable alternative employment.
- 11.4 Unreasonable refusal can include where the differences between the new and former job are not considered significant, or where the employee assumes rather than investigates the changes that a new job might involve, e.g. in travelling time or working conditions.

- 11.5 Refusal may be reasonable if the new job would cause significant domestic upheaval, e.g. if there was a considerable change in working hours, loss of status, impractical location or where redeployment is to a temporary, e.g. maternity cover post.
- 11.6 Employees have the right to appeal against any decision to redeploy them and should follow the procedure for appeal details later in this document.

12. **RIGHT OF APPEAL**

- 12.1 An employee aggrieved as to their selection for redundancy will have a right of appeal to the Director of HR. The letter of termination will state this and ask that any appeal should be made in writing within seven days of receipt of the letter of dismissal. The Appeal Hearing will be arranged at a mutually convenient date as soon as possible.
- 12.2 An appeal could be based on the grounds that the selection for redundancy was unfair or that the reason for dismissal was not redundancy. An objection purely to the reason for declaring redundancies does not allow a right of appeal.
- 12.3 The effective date of termination will remain the one given in the letter giving notice of redundancy unless the appeal is successful.

13. **SALARY PROTECTION**

- 13.1 Where an individual is permanently redeployed into a role that is lower graded than the role previously occupied there will be salary protection available. Details can be found in D362 Redeployment policy – Police Staff.

14. **SUPPORT AND ASSISTANCE**

- 14.1 Reasonable time off work with pay will be granted to an employee during their redundancy notice period to enable them to attend interviews or to arrange training. Actual time off must be agreed through the line manager. This applies irrespective of whether it is a compulsory redundancy or a voluntary severance.
- 14.2 During both the consultation period and the redundancy notice period the relevant HR Unit will provide advice and support on request. This may include assistance with application forms, CV writing, mock interviews, and advice on where to look for jobs.
- 14.3 The Constabulary will also provide Outplacement support to those staff served with formal notice of redundancy. Details of the scope of support available will be dependent on each redundancy exercise and will be communicated separately.

- 14.4 An employee has the right to be accompanied by a work colleague or their Trade Union representative at any meetings in connection with the redundancy process.

15. REMOVALS and EXCESS TRAVEL COSTS

- 15.1 An employee who incurs additional travelling costs as a result of their redeployment to another location may be entitled to some assistance. The allowances and criteria are set out in policy D203.

- 15.2 In exceptional circumstances where an individual requests redeployment at another location and it is not within a reasonable travelling distance the Constabulary may consider relocation assistance. Each case will be reviewed and a decision made by the Director of HR.

16. REDUNDANCY PAYMENTS & PENSION

- 16.1 An employee dismissed for reason of redundancy will receive a Statutory Redundancy Payment (SRP) if they have at least two years continuous service. The SRP depends on age and length of service (up to a maximum of 20 years). This determines the number of weeks pay due, which is subject to a limit on weekly pay. This is £330 as at 1 February 2008, but this figure is reviewed annually.

- 16.2 The SRP is calculated by using a Ready Reckoner (Appendix A) to determine the number of weeks' pay the individual is entitled to, by cross-referencing the individual's age and the number of full years' continuous service. The resulting number is then multiplied by the weekly capped salary (or actual salary if less).

- 16.3 The Constabulary will enhance the SRP, albeit that this does not confer any contractual right. The number of weeks payment that an individual is entitled to will be multiplied by two. Payment will be calculated on the basis of the individual's gross weekly pay without any statutory cap.

- 16.4 Staff who have transferred to the Constabulary under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) may have retained redundancy rights from their previous employment which will apply in place of the Constabulary's policy. Advice should be sought from the Employee Relations Manager in any such case. (See Section 15.1.)

- 16.5 An employee who receives a redundancy payment from the Constabulary or an 'associated employer' and is later re-employed by either body must complete a further 2 years' service before being eligible to any further redundancy payment.

- 16.6 Staff who are made redundant up to 31 March 2010 and who are aged 50 or

above at the time of redundancy, are entitled to a redundancy payment (providing they are eligible), and to an immediate payment of pension and lump sum if they are a member of the Local Government Pension Scheme and joined prior to 1 April 2008.

- 16.7 Staff who join the Local Government Pension Scheme after 1 April 2008 who are made redundant and who are aged 55 or above at the time of redundancy, are entitled to a redundancy payment (providing they are eligible), and to an immediate payment of pension if they are a member of the Local Government Pension Scheme.

17. TRANSFERS OF UNDERTAKINGS

- 17.1 Where a person is transferred to another employer under TUPE or a Statutory Transfer Order, then continuity for all statutory employment purposes is preserved. The new employer takes over the employment liabilities of the old employer, with the exception of occupational pension rights (subject to legislation).

18. REDUNDANCY MODIFICATION ORDER 1999

(The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999)

- 18.1 The Modification Order makes bodies listed in the Order 'associated employers' for the purposes of entitlement to, and calculation of, statutory redundancy payments. 'Associated employers' are many of those in the public sector, and listed in the Modification Order. They include but are not limited to county and district councils, some schools and further education establishments, and some housing groups. However, for certainty the status of the organisation should be checked.
- 18.2 The effect of the Order is that where an employee who would otherwise be redundant is offered another job (at any level of pay and conditions or hours of work) with another Modification Order employer before the end of their redundancy notice period, and starts the new job within four weeks of the date of the end of the redundancy notice period, the employee is not dismissed in law, continuity of service will be preserved and no redundancy payment is due.
- 18.3 Before making a redundancy payment, the relevant HR Unit should ascertain whether an employee being made redundant has, before the date of termination, accepted an offer of employment from another authority or body covered by the Order to start within four weeks of their current employment ending.

- 18.4 If the job offer is made after the end of the redundancy notice period the entitlement to a redundancy payment remains regardless of when the new job starts.
- 18.5 The offer of a trial period in a role during or at the end of the redundancy notice period constitutes the offer of alternative employment for continuity purposes.

19. FIXED-TERM CONTRACTS (Temporary Contracts)

This policy will apply to those who have fixed-term contracts and whose contract is terminated on grounds of redundancy.

- 19.1 The line manager in association with the relevant HR Unit will meet with the employee at least 60 days before the end of the fixed-term contract to discuss the prospect of their future employment.
- 19.2 Fixed-term employees will:
- have the same opportunities as permanent employees to apply for jobs within the Constabulary.
 - be eligible for inclusion on the Redeployment Register during their notice period preceding the expiration of their fixed-term contract.
 - have a right to a statutory redundancy payment if they have been continuously employed by the Constabulary for two years or more.

20. SUPPORT AND ADVICE

ACAS www.acas.org.uk	08457 474747
Department for Business, Enterprise and Regulatory Reform	0117 946 9500
Employee Assistance Programme	0800 174319
Employee Relations Manager	23724
GMB	23695
HR Units	
TGWU	22208
UNISON	22247

21. REVIEW

- 21.1 The annual review of this policy is the responsibility of the Director of Human Resources and its annual review will be carried out by Head of Human Resources.

APPENDIX A

Statutory Redundancy Pay Table

To calculate the number of weeks redundancy pay, cross reference the person's age and years of service and then multiply that number by the weekly salary (maximum weekly salary is £330).

The Constabulary will enhance the Statutory Redundancy Pay, (albeit that this does not confer any contractual right); the number of weeks determined by using the table below will be multiplied by two and payment will be calculated on the basis of the individual's gross weekly pay without any statutory cap.

Age	Service (Years)																		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17*	1																		
18	1	1½																	
19	1	1½	2																
20	1	1½	2	2½	-														
21	1	1½	2	2½	3	-													
22	1	1½	2	2½	3	3½	-												
23	1½	2	2½	3	3½	4	4½	-											
24	2	2½	3	3½	4	4½	5	5½	-										
25	2	3	3½	4	4½	5	5½	6	6½	-									
26	2	3	4	4½	5	5½	6	6½	7	7½	-								
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-							
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-						
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-					
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-				
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-			
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-		
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-	
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½

Agenda No 8

49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

17* - The table starts at age 17, as it is possible for a 17 year old to have 2 years service. Compulsory school leaving age can be 15^{3/4} or 15^{4/5} where a child is 16 before 1 September. Particular care should be taken when calculating an individual's redundancy pay when they joined as an employee below the age of 16.

61* - The table stops at age 61 because for employees age 61 and over, the payment remains the same as for age 61.

The table has been changed to incorporate user comments received since the introduction of the Employment Equality (Age Regulations) in October 2006.