

DYFED POWYS POLICE

RESTRUCTURING/REDUNDANCY POLICY AND PROCEDURE

SPECIFIC PROCEDURES

It is the Force's policy to avoid redundancies wherever possible but if the need for redundancies arises, selection for redundancy will be made on the basis of objective criteria, which will be reasonably, fairly and consistently applied. The Force will also ensure that the pool of employees to whom the selection criteria are applied is fairly defined.

The chosen selection criteria will be capable of objective substantiation and of being backed up with evidence and data. For example, the Force may use performance, skills, qualifications, attendance records, disciplinary records and other factors that are easily evidenced.

Guidance and support will be provided to any staff made redundant. Where an employee in the pool for selection is disabled, the Employer will ensure that he/she is not put at any disadvantage on account of the application of the selection criteria and will accordingly make reasonable adjustments to the selection procedure to remove any disadvantage that the disabled employee would otherwise have.

The procedure for handling redundancies will be as follows: -

Divisional/departmental management should contact their HR Advisor at the earliest opportunity if a redundancy situation seems likely. The definition of a redundancy is:

- The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed.
- The employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed.
- The requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish.
- The requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

No change, which could result in redundancy action, will be initiated by divisional/departmental management without the involvement of the Human Resources and Finance and Resources Department and the approval of the formal organisational mechanisms, attached at Appendix 'A'. Any change should normally be the subject of a business case, which would be submitted to either of the aforementioned groups for their approval.

The Human Resources Department will make the appropriate notification to the Department for Business, Innovation and Skills (if there are 20 to 99 redundancies the Authority is obliged to give at least 30 days before the first dismissal take place and if there are 100 or more redundancies the Authority is obliged to give 90 days unless this is not reasonably practicable). The processes outlined in Appendix 'B' will be followed.

The Force recognises its legal requirement to consult with the recognised Trade

Unions and affected individuals at the earliest opportunity when proposing to dismiss employees as redundant. The provisional selection and final selections will be the subject of full consultation (see Appendix B - Redundancy Consultation with the Trade Unions).

Where selection has been confirmed, those selected for redundancy (see Appendix B) will be given notice of termination in accordance with contractual entitlements or statutory entitlement whichever is the greatest. As part of this process Staff Representatives should be notified in order that meaningful consultation may take place.

The Force will make every effort to seek alternative employment in accordance with the Redeployment Procedure, Pay and Conditions of Service document, within the Force and to consider redundant employees for suitable vacancies. All redundant employees will be notified individually by the Human Resources Department or an appropriate manager to inform them of any available vacancies, to establish individual requirements and to consider employee's suitability for particular jobs. In the course of individual consultation employees will also be informed of any entitlements they may have to redundancy compensation. All redundancies will be agreed by the Director of Finance and Resources and Head of Human Resources.

Due to the sensitive nature of redundancy and redeployment programmes, where agreement cannot be reached between managers for the redeployment of a member of staff, the Head of Human Resources in consultation with an independent Chief Officer will adjudicate and make the final decision.

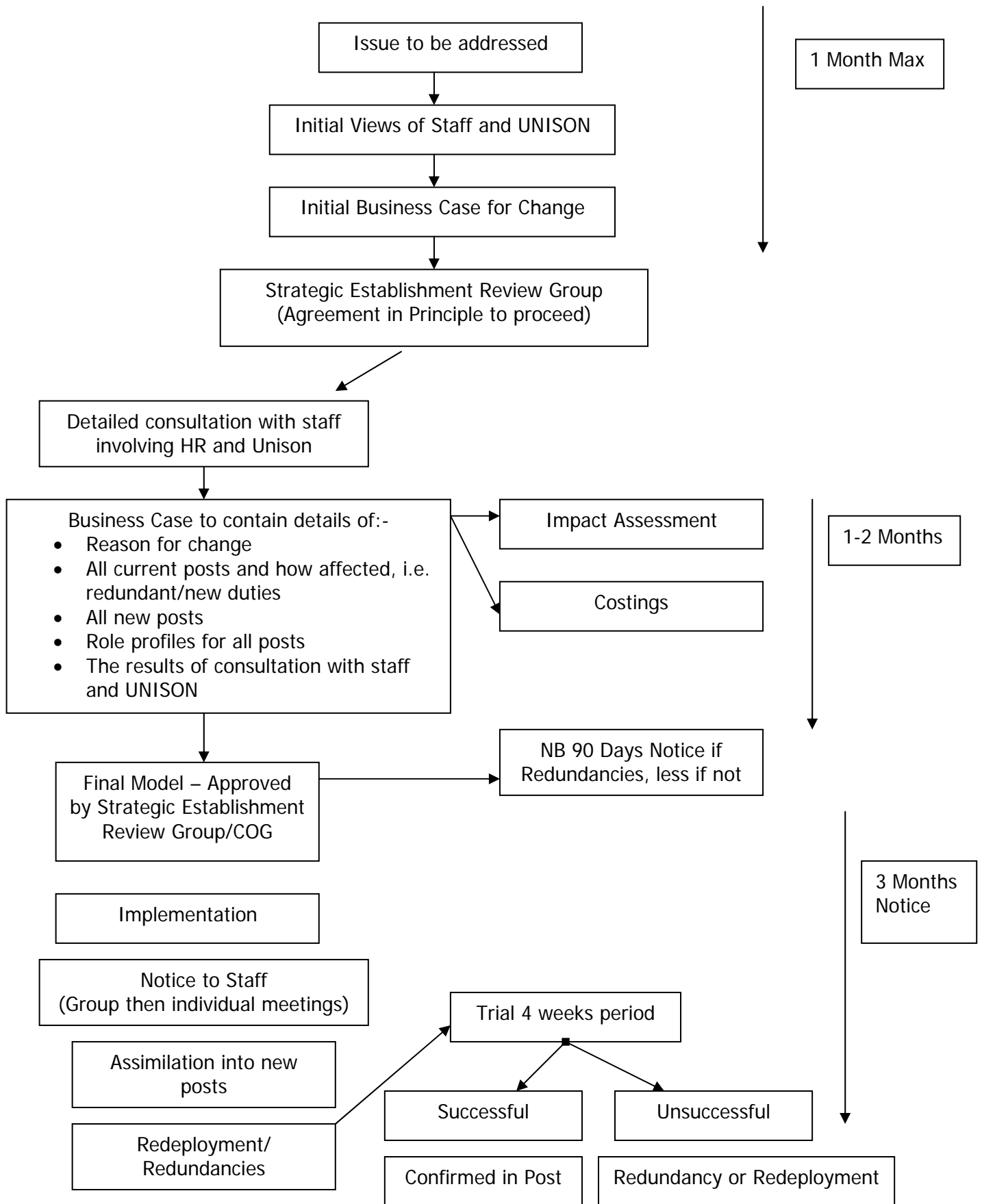
In instances where an employee volunteers for redundancy but the job is not redundant, the Authority may release the incumbent to be replaced with another suitable employee whose job can be made redundant (termed as "bumped redundancy").

Employees will be given permission to take time off during their notice period to look for work or seek retraining opportunities. Requests for time off should be made to the appropriate line manager via the Special Leave form, to be found within the Special Leave policy.

Employees who have been given notice of redundancy, and who resign during their notice period to commence employment outside the Force, will not lose their entitlement to a redundancy payment.

Should an employee feel that the selection procedure has been unfairly applied in their particular case then they may request the Head of Human Resources to review the position and finally he/she may appeal to the Police Authority whose decision will be final.

Restructuring Model



Redundancy Consultation with the Trade Unions

There is legal requirement to consult with the recognised Trade Unions. The process is as follows:

- (i) If 20 or more redundancies are proposed within a 90 day period send HR 1 Form to the Department for Business Innovation and Skills and the recognised Trade Union Full Time Officer at least 30 days before the first dismissal is due to take place (90 days if more than 99 redundancies are likely).
- (ii) If fewer than 20 redundancies are anticipated then the Trade Unions should be consulted at least 30 days before the first redundancies although the completion of the HR 1 Form is not necessary.
- (iii) Consider how and when to inform police staff
- (iv) Arrange to meet the Trade Union(s) to discuss the proposed redundancies and prepare to provide the trade union with the information they are required to be given to enable meaningful consultation to take place. The information needed by the trade union will form the basis of consultation and outline how Dyfed Powys Police will tackle the redundancy i.e.:
 - Reasons for the proposals
 - Numbers and description of employees it is proposed to dismiss as redundant
 - Total number of employees of any such description employed at the establishment(s) involved
 - Method of selecting the employees who may be dismissed (See Selection section (ie the pool of redundant employees will be identified and agreed with UNISON) below)
 - Proposed method of carrying out the dismissals, taking into account any agreed procedure, including the period over which dismissals are to take effect
 - The method of calculating any additional payments to be above the statutory requirements
- (v) Consultation with the Trade Unions should commence as soon as possible with a view to reaching agreement but not necessarily having to reach agreement. Once consultation ends, which may be before the expiry of the consultation period, it will be possible to inform employees of the programme and timescales for achieving the redundancies and calling for volunteers. When calling for volunteers the terms of the offer should be stated and that the Force reserves the right not to accept any request for voluntary redundancy.
- (vi) Apply the selection criteria (see below) to the pool(s) of employees involved and produce a list of those who may be dismissed. Make arrangements to individually consult each employee provisionally selected before issuing formal redundancy notices.
- (vii) During the interview with each employee the following issues should be covered:
 - Reason for the redundancy
 - Whether suitable alternative employment is available
 - Method of selection
 - What payment will be made and notice entitlement
 - Inform of right of appeal

The employee should be given a few days (at least 3 days) to consider his/her position and ask any questions.

- (viii) The employee should be informed that if he/she does not raise any questions formal notice of termination of employment will be issued, the date of termination will be given and will be reminded of the right to appeal.

Selection for Redundancy:

When it becomes apparent that compulsory redundancies will be necessary the Authority will decide after consultation with the recognised Unions the criteria to be used in selecting staff, e.g.

- 4.3.1 skills
- 4.3.2 performance in current job
- 4.3.3 qualifications/training
- 4.3.4 attendance (excluding disability or maternity leave)
- 4.3.5 disciplinary record

Assimilation or Redeployment of Employees Arising from Redundancy and Restructuring Programmes (including Job Evaluation)

- 1) This policy and procedure applies to police staff where assimilation or redeployment arising from redundancy and restructuring programmes is necessary.
- 2) Assimilation or redeployment under this policy will be to a post at or at "near equivalent" level or under an individual's existing grading level.
- 3) Assimilation or redeployment under this policy is a formal process and the procedure below sets out the stages and time-scales allowed for an employee to be fairly considered for reasonable suitable alternative employment, which will vary depending on the particular circumstances. However, it does not guarantee reasonable suitable alternative employment to all those who are considered under this process.
- 4) The process, as outlined below, must follow consultation with the Trade Unions whose involvement will continue until a particular exercise has been completed.
- 5) During any programme of assimilation or redeployment Human Resources Department, through its Occupational Health Unit, will be available to provide counselling and support.

Procedure for Assimilation (slotting in):

- 1) This is to cover a situation where the function is being reorganized/restructured and jobs are being created, amended or deleted.
- 2) Under such circumstances discussions will take place with the employees affected and their trade union representatives covering the following points:-
 - (i) Employees who can claim assimilation into the new posts will be identified.
 - (ii) Employees who are displaced due to the proposals will be "ring fenced".
 - (iii) Assimilation will be on the basis of "near equivalent". This to be determined by comparing the job description of the old job and the new job. The assessment of "near equivalent" will be measured at 80% or more of a similarity in the main duties and responsibilities of the new job and to ensure fairness this measurement will be consistently applied.
 - (iv) If there is more than one employee who meets the "near equivalent" criteria then a selection process will be agreed or an appointment will be made by a competitive interview from within the affected group.
 - (v) Employees who have been identified as occupying a "near equivalent" job in the new structure will be offered these jobs without competition unless there are more employees matched as "near equivalent" than there are jobs available. The decision as regards "near equivalent" will be taken by the BCU Commander/Head of Department in conjunction with the Head of Human Resources.
 - (vi) At the end of the exercise any employees still displaced will be entered on a list of employees seeking reasonable suitable alternative employment and will be the subject of the redeployment process contained in the Pay and Conditions of Service document for Police Staff.

Procedure for Redeployment:

- 1) The Dyfed Powys Police will endeavour to redeploy an individual whose job has been made redundant or the subject of a restructuring programme into a reasonable suitable alternative vacancy subject to Paragraph 2.1.6 of this document which allows for: -
 - (i) Curtailment of recruitment and the application of "prior consideration".
 - (ii) Redeployment and/or retraining of staff.

- 2) The procedure and arrangements will be as follows:
 - (i) The Human Resources Department, through its designated Human Resource Managers, will maintain and update on a regular basis a list of all employees seeking reasonable suitable alternative employment.
 - (ii) The designated Human Resource Managers will produce an agreed personal detail and skills profile for each person to be redeployed for consideration for reasonable suitable alternative employment.
 - (iii) An initial meeting with their designated Human Resource Manager will inform the employee of the process of finding reasonable suitable alternative employment within the Force and will include and be subject to the following:
 - a) How employees will be informed of vacant posts (weekly via Weekly Orders)
 - b) The need of the employee to complete an application form for the post they consider appropriate
 - c) Prior consideration will be given for appointment i.e. an employee will be guaranteed an interview without competition. Prior consideration will not be provided to those employees who apply for a higher post i.e. post of a higher grade, or linked grade where the maximum salary of the new post is higher than the maximum salary of the employee's current post unless the near equivalent rule contained in the Procedure for Assimilation (slotting in) contained above applies.
 - d) External advertisements will be frozen and existing recruitment exercises curtailed until full consideration has been given to the redundant candidate.
 - e) Where there is an internal failure to agree terms for redeployment with a Line Manager, the Head of Human Resources will make the final decision.
 - (iv) Subject to a satisfactory interview the employee will receive an offer of reasonable, suitable alternative employment
 - (v) The employee should respond to this offer of reasonable suitable alternative employment within 5 days. If an employee is unable to accept this offer of reasonable suitable alternative employment, reasons for non-acceptance will be required before further consideration for other reasonable suitable alternative employment can be made.
 - (vi) The offer letter will confirm a trial period of 4 weeks (28 days) which will be subject to the following:

- a) Ongoing review between the Line Manager and employee. Should there be difficulty during the trial period then the Line Manager, designated Human Resource Advisor, Trade Union representative (if appropriate) and employee will meet to discuss the situation.
- b) An extension of the trial period can be agreed e.g. to address additional training needs up to a maximum of 8 weeks.
- c) The trial period or extension will not jeopardise the employee's right to a redundancy payment.
- d) There will be no redundancy payment to individuals who have secured reasonable suitable alternative employment.

Should the employee be re-deployed into a post that attracts a lower salary and benefits, then the following will apply:

- (i) Redeployment will normally be considered for posts of the same or lower grade to the member of staff. It is recognised that individuals may need to consider lower paid posts. Staff will not be offered posts where the reduction in pay would, at the time of redeployment, be more than 8 spinal column points from their current pay point. Where the new salary grade is lower than an individual's current salary, their salary will be frozen for a period of 4 years from the date of implementation of the redeployment. They will then transfer to the new scale. Shift allowances and enhanced payments for weekend working are not protected. In the case of disabled staff the Force will make such adjustments to the redeployment procedure as are reasonable in the particular circumstances.
- (ii) If staff are redeployed to part time posts, protection will be pro-rata, i.e. for the same time period but at the part time rate.
- (iii) The protection period will commence from the date of re-deployment.
- (iv) The organisation will make every reasonable effort to relocate those employees in receipt of a protected grade into a job that carries the same grade as their substantive grade. To this end re-deployment into a job of the same grade can take place without advertisement. This may require appropriate training.

If an employee is relocated with their job as a result of redeployment or restructuring then excess-travelling expenses will be paid, as follows:

- (i) Excess travelling will be defined as the difference in mileage measured by the shortest route between the distance from home to the new place of work rounded up to the nearest half mile, or the facility to pay public transport costs to those who use public transport or travel as a passenger to and from their home to their place of work subject to the production of a receipt.
- (ii) Mileage expenses will be calculated at the lowest Casual User rate, or Public Transport rate, whichever is the lesser.
- (iii) Expenditure must be incurred to qualify for this allowance.
- (iv) Claims must be submitted on the appropriate expense form and authorised by the Line Manager.

- (v) Excess travelling expenses will only be paid when the employee is in work and will not be paid during periods of sickness, holidays or other absence.
- (vi) The excess travel allowance will last for 4 years from the date of relocation.

Termination of Employment

If no suitable post is available within a reasonable period of the proposed redundancy or decision to redeploy for disability reasons, consideration will need to be given to the termination of employment on the grounds of capability or redundancy or some other substantial reason. Whilst notice of termination of employment will be given the Force will continue to try and secure a suitable redeployment opportunity for the individual throughout their period of notice until their termination date.