

Office of Police & Crime Commissioner – Devon & Cornwall Policy Cover Sheet

Policy Name:	Redundancy Policy
Version Number:	V1.0
Date:	9 November 2012
Policy Author:	Claire Mead
Policy Authorised by:	Julie Hall-Williams
Policy Sign off Date:	12 November 2012
Policy Signed off by:	Sue Howl – Chief Executive
Cover note:	<p>As this is a new policy it will require consultation by the Police Authority (PA)/Office of Police & Crime Commissioner (OPCC).</p> <p>This policy sets out the high level principles and ethos around the management of redundancy and is based on the existing version held by Devon & Cornwall Police (D&CP).</p> <p>D&CP are currently putting all HR policies into the new Force template style and reviewing content in terms of legislative changes, terminology and bringing them up to date. This policy version is based on the revised D&CP draft recently consulted on and signed off at Partnership Group.</p>
EIA status:	Policy will require EIA from the PA/OPCC perspective.

Office of Police & Crime Commissioner – Devon & Cornwall Redundancy Policy

Version dated:

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2.0 Policy Statement [FOIA Open]

- 2.1 The Office of Police & Crime Commissioner (OPCC) 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 OPCC will endeavour to avoid compulsory redundancies.

3.0 Introduction [FOIA Open]

- 3.1 The OPCC 'people management' policies reflect the organisation's commitment to its staff, and are underpinned by the highest standards of integrity. They provide a high-level set of principles, which are supported by procedures, working practices and guidance. By nature, however, it is not possible to cover every eventuality that may occur within the context of 'people management'. It may be necessary to vary the approach to ensure matters are dealt with in the most efficient/appropriate way whilst maintaining equity and fairness. Any variance from the stated practice should be justifiable in these terms.

- 3.2 This policy supports legislation and guidelines contained within (but not limited to):

- The Trade Union and Labour Relations (Consolidation) Act 1992
- The Collective Redundancies and Transfer of Undertakings (Protection of Employment) Regulations 1995 (SI 1995/2587)
- The Employment Rights Act 1996
- The Collective Redundancies and the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 (SI 1999/1925)
- The Collective Redundancies (Amendment) Regulations 2006 (SI 2006/ 2387)
- The Equality Act 2010/Public Sector Equality Duty
- Human Rights Act 1998

4.0 Principles/Ethos of the Policy [FOIA Open]

Redundancy Defined

- 4.1 Under the Employment Rights Act 1996, redundancy arises when employees are dismissed because the:
- Employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
 - Employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
 - 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; or
 - 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.
- 4.2 Successful human resource planning can help to determine existing and future staffing needs but it is inevitable that re-deployment of labour and redundancies will sometimes be necessary for the efficient and effective delivery of the OPCC's objectives.
- 4.3 The OPCC is committed to retaining the services of its staff and will do all it can to avoid need for recourse to compulsory redundancies.
- 4.4 Where redundancies cannot be avoided the OPCC is committed to:
- Effective communication; keeping those individuals involved up to date with developments,
 - Assisting employees in finding suitable alternative employment as appropriate, and
 - Where this is not possible, providing support in finding new/alternative employment.
- 4.5 This policy is supported by a series of practical procedures to assist with its effective/consistent implementation. The overriding principles of the policy are:
- 4.5.1 Where redundancies are unavoidable the OPCC will keep individuals/consultative bodies informed, ensuring an understanding of:
- Why the redundancies are necessary,
 - How many redundancies are proposed,
 - Roles, departments or functions in question,
 - Procedure(s) to be followed and timescales,
 - The selection process, and
 - The basis on which redundancy payments will be calculated.
- 4.5.2 The OPCC values the support of the Trade Unions and individuals in helping to alleviate or minimise the need for compulsory redundancies. Where redundancies are proposed the OPCC undertakes to consult with the appropriate representatives and individuals in line with its statutory duty and will consult regarding:

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- Options to avoid the need for redundancy and minimise the level of redundancies,
- Any proposals of voluntary severance schemes,
- The determination of 'affected pools' of posts from which redundancies will be made,
- Selection criteria where the pool includes posts that are to continue.

4.5.3 Selection criteria will be determined, taking care to ensure they are not of an unlawful discriminatory nature. Employees 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, or by association with, any of the 9 protected characteristics (Equality Act 2010): age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation
- For being a trustee of a trust scheme.

4.5.4 When it is identified that an employee is at risk of redundancy, the OPCC may not necessarily give immediate formal notice of redundancy. Instead, the re-deployment process may be considered more appropriate in the first instance, as a means of securing suitable alternative employment. **Please note:** The existing Devon & Cornwall Police redeployment register ~~will is be~~ available to ~~D&CPA staff (subsequently OPCC staff) until Stage 2 transfer arrangements have been completed.~~

4.5.5 In such cases a trial period will be part of the process 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.

4.5.6 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.

4.5.7 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 re-deployment support. For example, training in Curriculum Vitae (CV) preparation and interview technique, regular reviews with line management, engagement of HR (where appropriate) and notification of appropriate roles becoming available for open selection.

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- 4.5.8 An employee aggrieved as to their selection for redundancy will have a right of appeal. The appeal should be heard by a party independent of the decision. 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.

Responsibility and Monitoring

- 4.6 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.
- 4.7 The Chief Executive will notify the Secretary of State under the Collective Redundancies (Amendment) Regulations 2006, where applicable. (Department for Business, Enterprise and Regulatory Reform) (<http://www.bis.gov.uk/>).
- 4.8 In line with the Equality Act 2010, line managers will not unlawfully discriminate and will adopt a reasonable, fair, and open approach in a redundancy scenario. The line manager, in liaison with the HR (where appropriate), will be responsible for monitoring the process locally at each stage, ensuring it is handled effectively and that timescales are being adhered to, as well as ensuring all parties are kept informed of progress/the outcome of the process.
- 4.9 The line manager will ensure that all parties involved in a redundancy scenario are aware they have access to employee assistance support.

5.0 Audit Compliance [FOIA Open]

- 5.1 This policy has been drafted and audited to comply with the principles of the Human Rights Act. Equality and diversity issues have also been considered to ensure compliance with equality legislation and policies. In addition Data Protection, Freedom of Information, Management of Police Information and Health and Safety issues have been considered. Adherence to this policy will therefore ensure compliance with all relevant legislation and internal policies. Under the Freedom of Information Act 2000, the document is classified as 'OPEN'.

6.0 Review and Ownership [FOIA Open]

- 6.1 This policy is owned by the Office of the Police & Crime Commissioner, with a review undertaken on a two yearly basis or earlier if required.

7.0 Useful Links [FOIA Open]

- 7.1 Practical procedures are available to assist with the effective and consistent implementation of the policy. For enquiries relating to this policy contact the Chief Executive until such time as the structure of the OPCC is determined.