

**MANAGEMENT OF ORGANISATIONAL CHANGE FOR POLICE STAFF - 2011
STAYING AHEAD REVIEW**



SUMMARY

'STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ IN PARTICULAR SECTION 1.2'

This document details the organisational change procedures that will be implemented in order to ensure the smooth transition to the new structure for the Force that will be determined by the Staying Ahead - 2011 Review. The policies and procedures set out in this document are for a fixed period until completion of the organisational changes related to the implementation of the new structures as determined by the Staying Ahead Review.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

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1.0 Guidance, Procedures, Tactics

1.1 Risk Assessments and Health and Safety Considerations

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if required or requested.

General

1.2 The objectives of the Force in moving to the new structures will be to:

- Fill posts with the most suitably qualified and experienced people
- Minimise redeployment and redundancy and retain valuable skills
- Maintain services
- Avoid unnecessary costs

1.3 The following will be adopted as the guiding principles:

- Staff will be treated with fairness and respect
- Staff will be supported through this period of uncertainty and change
- The views of the staff associations (i.e. Unison, the Police Federation and the Superintendents' Association) will be sought on proposals at the earliest opportunity to ensure positive relations
- Change will be effected in accordance with employment law, including equal opportunities legislation
- Transition to the new structure will seek to create a culture of flexibility, and learning
- Processes will be open, transparent and objective
- Processes will proceed without undue delay

1.4 The Force values the contribution made by its staff and as far as possible, wishes to maintain job security and continuity of employment for all its employees. However, the Staying Ahead – 2011 Review is likely to result in changes to the workforce which could mean a different mix of roles and responsibilities. As a consequence of that, some posts may no longer be required. However, in those cases, every effort will be made to find suitable alternative employment for displaced individuals and compulsory redundancy will be viewed as a last resort.

1.5 It is anticipated that the Staying Ahead 2011 Review will lead to restructuring on an incremental basis and will be completed by 31st March 2009. Therefore, different departments will be affected at different times. These procedures will apply to the department affected.

1.6 This policy applies to:

- all permanent staff,
- staff on fixed term or temporary contracts with 12 months or more continuous service

The policy does not apply to:

- Employees on fixed term / temporary contracts of less than 12 months duration

2.0 Fitting into the new structure

2.1 Although the scale of change to the structure which will result from the 2011 Review is not yet known, it is our intention that, where possible, staff will be accommodated in the new structure through the following processes:

2.1.1 As far as possible, employees will normally be placed in the new structure by:

- Slotting-in (i.e. continuing the same role performed prior to the restructure)
- Redeployment (i.e. undertaking a different role as a result of becoming “displaced” in the new structure)

2.1.2 Criteria for slotting-in

The following factors will determine whether a post in the new structure is substantially the same as an existing role:

- the post in the new structure is the same grade
- the accountabilities are substantially the same
- the skills, knowledge and experience required for the post are substantially the same

However, there may be occasions when slotting into a post at a lower grade will occur. However, this will only occur when the difference in grade is no more than eight spinal column points. For example, an employee originally holding a post graded PO (A) may be slotted into a post graded SO 1. However, it would not be appropriate to slot a PO (A) into a scale 5 post.

In addition, slotting into a higher graded post will occur where the grade of a post

has increased due to a “Management Initiated Request for Regrading” (as per the Force’s Job Evaluation Procedure).

Individuals who have been seconded into posts will be considered for slotting into their substantive role. An individual will not be slotted into a role that is not their substantive post i.e. an individual seconded to a role will not be eligible to be slotted into that role.

2.1.3 Automatic slotting-in will take place where:

the post in the new structure is the same grade and is substantially the same as the existing post in terms of job content and where the employee meets the criteria stated in the person specification

and

The number of employees affected is equal to or less than the number of posts available.

2.1.4 Competitive slotting-in will take place where:

the post in the new structure is the same grade and is substantially the same as the existing post in terms of job content (i.e. the role description and person specification are broadly the same) and where the employee meets the criteria stated in the person specification but there are more employees affected that meet the requirements of the new post than the number of posts available.

Posts that have been identified as requiring competitive slotting-in will be restricted to staff affected, in the first instance. In order to be considered in the “pool” for competitive slotting in, individuals must hold a role that is the same grade and role description. Staff will then be required to submit an expression of interest if they wish to be considered for the post. Should a selection process then be required (i.e. the number of expressions of interest received exceeds the number of posts available), then the successful applicants will be selected on the basis of their performance at interview and the results of any other selection assessments methods used e.g. presentation. It is emphasised that successful candidates for appointment will be identified *solely* through performance at interview.

2.2 Redeployment

2.2.1 Where an individual cannot be placed in the new structure through competitive slotting-in or the individual has chosen not to express an interest,

attempts will be made to redeploy the individual in accordance with section 6 Redeployment below. Those individuals may eventually be subject to redundancy.

2.2.2 In addition, where the requirement for a post(s) no longer exists, individuals may be identified as at risk of redundancy. Attempts will be made to redeploy these individuals.

2.2.3 The flowcharts at Appendix A outline how staff may be integrated into the new structure.

3.0 Ringfenced Vacancies

3.1 Once the slotting-in process has been completed, there may be vacant posts remaining within the new structure. Those police staff who are on the Redeployment Register will have the first opportunity to apply for these posts - i.e. the posts will be ringfenced.

3.2 Applicants will need to comply with the normal shortlisting criteria for each post.

3.3 While any individual on the Redeployment Register may apply, prior consideration must be given to displaced individuals whose substantive post was at the same grade or a higher grade than the vacancy that is being applied for. These individuals will be interviewed first. If an appointment cannot be made from the prior consideration group, then the other applicants may be interviewed.

3.4 Any staff who are unsuccessful in gaining a post through application to a ringfenced vacancy and remain at risk of dismissal on grounds of redundancy will be considered for redeployment by matching skills to any remaining ringfenced vacancies which have not been filled.

3.5 Only after the selection and redeployment processes have been exhausted can the ringfenced posts be opened up for applicants throughout the force, including police officers and external competition.

4.0 Relocation of Activity

4.1 The contract of employment for all employees includes the following mobility clause:

"You are employed by Gwent Police Authority in the service of Gwent Police in the post of << Post title>> or in any post appropriate to your grade in the Police

Authority's service as may be required. It is a condition of your employment that you may be required to work anywhere in the area of Gwent Police, that would stand the test of reasonableness, as may be directed."

Should the need for relocation arise then either the above clause may be applied or a redeployment process. Consultation will take place with Unison in order to determine which option is to be used.

5.0 Compulsory redundancy payments

5.1 In accordance with Section 162 of the Employment Rights Act, for each year of service that counts, an employee will receive a proportion of weekly pay, which is determined in the following way:

Age	Entitlement
21 years or below	Half a week's pay
22- 40 years	One week's pay
41 and above	One and a half week's pay

5.2 A week's pay is calculated in accordance with Section 220 of the Employment Rights Act 1996. The statutory maximum week's pay is updated on a yearly basis and was set at £330 from 1st February 2008. A calculation of statutory redundancy pay can be made using the ready reckoner on the Department for Business Enterprise and Regulatory Reform web site.

5.3 Previous continuous employment with an organisation(s) covered by the Redundancy Payments (Local Government) (Modification) Orders will be included in calculating entitlement to redundancy pay.

5.4 An employee will forfeit the right to their redundancy payment in the following circumstances:

- the employee is dismissed for gross misconduct
- they unreasonably refuse to accept or apply for suitable alternative employment with Gwent Police
- they leave their employment before the Force has served notice of termination
- they leave their employment before the expiry of their notice period except where this has been mutually agreed between the employee and Gwent Police

- at the date of termination of the contract they have obtained without a break, or with a break not exceeding 4 weeks, suitable alternative employment with this or another body on the Redundancy Payments (Local Government) (Modifications) Order. A list of the organisations covered may be obtained from the HR department.

6. Redeployment

6.0 Redeployment Interview

6.1 Any member of staff who is added to the 2011 Redeployment Register will be deemed to be at risk of redundancy. The individual will be invited by their line manager to attend a meeting to discuss the implications of being on the Redeployment Register. This meeting may also be attended by a representative from the Personnel Department and the individual may ask a trade union representative or a work colleague to attend.

6.2 Staff will be asked to provide information which will assist in identifying redeployment opportunities, such as:

- Suitable geographical locations for redeployment
- Skills, training and experience
- Current grade and level of responsibility
- Type and level of role which the employee considers suitable
- Other requirements such as part-time / flexible hours

Redeployees' details will be kept on a central personnel database. This should be in the form of a pro forma curriculum vitae, highlighting previous experience and training. Individual application forms may need to be completed for specific posts should a competitive selection process be necessary.

7. Suitable alternative employment

7.1 In determining whether a post offers suitable alternative employment for an individual who is at risk of redundancy, the following factors will be taken into account:

- Pay
- Status and job content
- Location
- Working environment
- Hours of work
- Security of employment (an offer of a temporary contract may not be suitable even though terms and conditions are maintained).
- Training

7.2 When considering disabled staff for alternative vacancies, in order to make the required reasonable adjustments and subject to individual circumstances, it may be necessary to consider a range of posts. The redeployed person would have to meet the essential requirements of the post but it would be a reasonable adjustment to remove minor aspects with which the individual may be unable to comply. If the role is of a significantly higher grade, the disabled member of staff should be invited to apply in the normal way along with any other candidates.

8. Administration

8.1 General Principles

- a) A central list of all vacancies will be maintained.
- b) As vacancies arise, a designated postholder(s) will examine roles to ascertain if they may be suitable for individuals on the 2011 Redeployment Register.
- c) A designated postholder(s) will forward information about the vacancy to the individual(s) asking for confirmation that they are interested in the post by a specific date, prior to the post being advertised. Names of interested individuals will be recorded on the central list of vacancies.
- d) If no individuals have been identified or individual(s) contacted have not expressed an interest in the post within fourteen calendar days of notification, then the vacancy may be advertised.
- e) Where the individual meets the minimum requirements for the role or would do so following a reasonable amount of training, then an interview will be arranged. Interested individuals will be asked to submit an application for the post. The line manager of the role will determine what amounts to "reasonable training" in each case.
- f) If there is only one applicant for the post, then an "informal" interview will take place with the line manager. During the informal interview the individual will need to exhibit the minimum requirements for the post. A representative from the Personnel Department will also be present. However, if there is more than one applicant for the role, an interview will take place in accordance with the Recruitment and Selection Guide.
- g) If an individual demonstrates the requirements of the post, then he/she will be offered the role and the following will apply:
 - All terms and conditions of employment relating to the new role will be clearly provided to the individual in writing;
 - Where an employee accepts alternative employment there will normally be

a 4 week trial period in the new post. This period may be extended to a maximum of 12 weeks, by agreement in writing, if such factors as training are required. During this trial period the employee will be monitored by the relevant division/department to establish the suitability of the employee for the post.

If the individual is not yet formally on notice of redundancy and the trial period does not reach a satisfactory conclusion for either or both parties, the individual will return to the redeployment pool provided that he/she had previously been on the Redeployment Register for no more than five months. Where the individual had previously been on the Register for five months or more, then the dismissal steps outlined at section 9 will be initiated.

h) Depending on the nature of the role, candidates may need medical clearance before an offer is made. However, concerns about sickness will not be used in determining the suitability or otherwise of the redeployee for the post. If such concerns are not already being addressed, then they will be brought to the attention of the individual in line with the Force's sickness management procedures.

8.2 Suitable alternative employment will be sought for up to six months from the date on which an individual's name is formally added to the Redeployment Register. In the case of fixed term/temporary staff, the period of time suitable alternative employment will be sought will not exceed the term of their employment contract. If a post has not been identified by that time, then there may be no alternative but to declare the individual compulsorily redundant or for their fixed term/temporary contract to cease.

9. Dismissal on the grounds of redundancy

9.1 If a member of staff is to be made redundant, then the steps set out in the Employment Act 2002 (Dispute Resolution) Regulations 2004 will be adhered to. This means that an individual will receive:

- A written statement giving the reason for dismissal
- The opportunity to meet to discuss the dismissal
- The right of appeal

9.2 Only after the "three step" process as outlined in the Statutory Dismissal Procedure has taken place will an individual receive notice of redundancy and entitlement to redundancy benefits, if appropriate in light of section 8.2.

10. Notification of Redundancy

10.1 Should it become necessary to issue a notice of redundancy, the member of staff will be seen individually by an appropriate manager and a member of the HR team. The individual is entitled to invite a trade union representative or work colleague to this meeting.

10.2 The dismissal will be confirmed in writing and staff will receive the appropriate period of notice (or payment in lieu of notice). The date of termination will be their last working day.

11. Local Government Pension Scheme

Early retirement through redundancy or business efficiency

If you are made redundant or you are retired on the grounds of business efficiency and are aged 55 or over, your LGPS benefits are payable immediately without any reduction.

Protected earliest age for redundancy or business efficiency redundancy

The earliest age immediate LGPS benefits are paid if you are retired on redundancy or business efficiency grounds increased from age 50 to 55 for new members joining the LGPS from 1 April 2008.

If you were a member of the LGPS on 31 March 2008, this change does not apply until 31 March 2010. If you are made redundant or retired on business efficiency grounds before 31 March 2010, you will receive immediate payment of your LGPS benefits if you are aged 50 or more.

If you retire early before age 55, your pension is normally paid at a flat rate until age 55, when it will be increased to the level it would have been, had it been increased by the rise in the cost of living every year since your early retirement.

12. Right of Appeal

Should an employee feel that they have been treated unfairly during this process, then they may use the Fairness at Work Procedure.

13. Staff Support

In addition, all staff affected will be offered help to prepare for competitive selection and support to manage the effects of change. Staff affected will be sent details of the support available, which will include:

- Preparing an application form
- Interview preparation
- Presentation skills training
- Counselling through the Occupational Health Unit

14. Time off to look for Work

The Force will grant employees who may be under notice of redundancy reasonable paid time off to look for new employment or make arrangements for training.

15. Assistance in finding alternative employment

The Force will do its best to assist those employees under notice of redundancy by:

- Liaising with the Job Centre or employment service
- Providing practical assistance, such as access to word processing and photocopying facilities

Appendix A

AUTOMATIC SLOTTING IN

Post in new structure at same or slightly lower grade, and number of people affected equals or is fewer than the number of posts available

Individuals automatically slotted into posts*

COMPETITIVE SLOTTING-IN

Post in new structure at the same or slightly lower grade and there are more employees affected than new posts available

Competitive slotting in interviews conducted in accordance with the Recruitment & Selection Guide

Successful candidates appointed to posts

Displaced staff added to Redeployment Register

Employee redeployed

Redundancy situation

* The detriment agreement on salary protection will apply where a post is at a lower grade

REDEPLOYMENT

Post deleted from structure

Employee at risk of redundancy and added to Redeployment Register

Employee redeployed

Redundancy situation

2.0 Procedure Statement & Intentions

2.1 Principle & Scope of Procedure:

Refer to paragraph 1.6

2.2 Aims of Procedure

To ensure the smooth transition to the new structure for the Force that will be determined by the Staying Ahead - 2011 Review.

3.0 Introduction

3.1 Origins/Background Information

There is a need to specify how the Force will manage staffing issues in moving to the new structure as determined by the Staying Ahead - 2011 Review.

3.2 Motivators/Driving Forces

The motivating factor behind this procedure is to provide a high standard of service delivery to the public through achieving a motivated and supported workforce.

3.3 The Legal Basis and Legitimate Aims

The Employment Rights Act 1996

The Employment Act 2002 (Dispute Resolution) Regulations 2004

4.0 Implications of the Procedure

4.1 Financial Implications

There are potential financial implications in relation to the Local Government Pension Scheme, redundancy payments and salary protection.

4.2 Human Resources/Training

Line managers will be required to support police staff to ensure that the aims of this procedure are understood.

4.3 Strategic Plan Links

The Human Resources Strategy supports our aim to be a good and caring employer.

4.4 Diversity

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2001
- Disability - Disability Discrimination Act 1995
- Gender – Sex Discrimination Act 1975
- Equal Pay Act 1970
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003

- Employment Equality (Age) Regulations 2006

4.5 Consultation

Police Authority
Chief Officer
Divisional / Departmental Heads
Superintendents' Association
Divisional Personnel Officers
Police Federation
UNISON
Gwent Police Gay Support Network
Gwent Police Womens' Association
Gwent Black Police Association
Gwent Police Disability Network
Gwent Gay Police Network
Freedom of Information Officer

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 3
Article 8
Article 9
Article 10
Article 11
Article 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

" In the application of this procedure the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other

opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

5.2 Key Human Rights Principles

Q1. What is the legal basis for your procedure?

Section 3.3 refers

Q2. Does the procedure provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this procedure?

Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and The protection of the rights of others.

Q3. How are staff made aware of the clearly defined decision making processes?

Section 1.2 refers

Q4. What are the minimum standards of documentation in relation to decision making?

Section 1.2 refers

Q5. How does your procedure provide guidance on the justification for assessment and actions as to whether the action is the least intrusive?

Section 1.2 refers

5.3 Rights, Publication, Audit and Inspection

Q1. Are there any sections of the document which should not be disclosed to the

public on the Force Publication Scheme; because they consist of tactical or operational procedures, that would inhibit the apprehension or prosecution of offenders if publicly known, or would compromise the ability of the force to carry out its duties? Please outline the relevant sections that cannot be disclosed.

This procedure can be disclosed

Q2. What rights to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this procedure will have recourse to civil law. There is also the right to use both formal, informal and organisational complaints procedures in respect to the operation of this procedure. Where dismissal is contemplated an individual has a statutory right to attend a hearing to discuss the matter. This includes a statutory right to be accompanied to the meeting by a trade union representative or a work colleague. There is also a statutory right to appeal.

Q3. What internal review and audit process is in place or is proposed?

This procedure has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

This procedure document can be scrutinised during Inspection undertaken by the Police Authority and HMIC.

5.4 Certification of Compliance

Consideration has been given to the compatibility of this procedure and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

There are no issues in this procedure under ECHR which cannot be resolved.

This procedure has been vetted.

6.0 Promotion and Distribution

In order to highlight the existence of this procedure to staff there will be the following :

- GO entry following ratification
- Publication on the Force Intranet and internet

7.0 Monitoring / Review

Monitoring of the application of this procedure will be undertaken by the Head of Human Resources.
Monitoring will be in line with the principles of the Race Relations (Amendment) Act 2000.

8.0 Procedure Identification Page

Procedure Title: Management of Organisational Change for Police Staff - 2011 Staying Ahead Review

Reference: 102/4 b issue 4

Procedure Ownership: Head of Human Resources

Portfolio/Business Area Owner: Chief Officer Operational Support

Procedure Written By: Personnel Manager

Department Responsible: Human Resources

Procedure Lead: Personnel Manager

Links to other Policies/Procedures: Equal Opportunities Policy, Fairness at Work.

Procedure Implementation Date: PSG 6th August 2008 (updated at Section 1/para 8.2 – 27 Jan 09; auth. by DCC)

Procedure Review Date: 12 months from approval