

# POLICE OFFICER RE-JOINER PROCEDURE



Heddlu  
Gwent  
Police

## 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'**

It will be at the discretion of the force to accept police officer re-joiners to Gwent Police. This document sets out the procedure to be followed for Police officer re-joiners.

**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 Risk Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police Resource if required or requested.

### **1.2 Specific Instructions, practices and procedures**

#### **RE-JOINER PROCEDURE**

##### **1.2.1 Definition of a re-joiner**

Re-joiners are defined as officers who have resigned from a police force (voluntary or otherwise) and are seeking to return either to their previous force or another in England and Wales after a break in service.

Officers returning from secondment and career break are not classified as re-joiners.

##### **1.2.2 Process of rejoining**

Officers can rejoin Gwent Police at their previous rank held if they return within 5 years of leaving the police service, although may not be able to return to a specialist role,

Officers will not be able to rejoin after 5 years of leaving the police service. Individuals who have left the service after the 5 year period will be required to go through the National Recruitment process and if successful will join the force as a probationer constable.

Any individual who wishes to rejoin Gwent Police must write to the Resource Officer with the portfolio for Police Recruitment. Should an officer who previously worked full time wish to return on a part time basis they would need to specify this in their application. The Resource Officer will then liaise with the Head of People Services to establish whether the individual can be accommodated in force. This will be dependant on the level of vacancies and the operational requirements of the force at the time. If the individual cannot be accommodated, the individual's details will be retained on an expression of interest list for 12 months. If any vacancies arise during the 12 month period the individual will be contacted by the Resource Department.

Individuals do not have an automatic right to rejoin Gwent Police.

Individuals will not be able to specify where they would like to be posted in force. Postings will be dependent on the level of vacancies in force and the operational requirements at the time.

### **1.2.3 Recruitment Criteria for Police Officer re-joiners**

All re-joiners will be expected to meet the intrinsic functions of the role of police officer. All applications will be judged on an individual basis. If the Head of People Services decides that an individual can be accepted as a Police Officer re-joiner, then the criteria set out in **Appendix A** will apply. **Appendix A sets out the various stages that need to be completed before an individual can rejoin Gwent Police.** The Resource department will be responsible for administering this process.

If an individual fails any of the criteria specified in Appendix A, the individual will be withdrawn from the process.

Once the individual has passed all stages set out in Appendix A, the Resource Officer with the portfolio for Recruitment will liaise with the Service Area Human Resource Officers (HRA) to ascertain where the individual will be posted in force.

### **1.2.4 Induction / Training**

As indicated in Appendix A, it may be necessary for the Resource Officer with the portfolio for Recruitment to liaise with the Learning and Development department to ascertain whether the individual will need to undertake specific training as part of the rejoining process. The Learning and Development department will consider what training will be needed including foundation, legislation, officer safety, diversity awareness, Outlook email and Command and Control etc.

The Resource Officer in liaison with Learning and Development will make the necessary arrangements for the individual to be re-attested.

### **1.2.5 Rejoining following retirement on grounds of permanently disabled**

An officer who is retired because they are permanently disabled, but is now judged as no longer permanently disabled by a selected medical practitioner may be offered the opportunity to rejoin Gwent Police. If the individual returns his/her ill health/injury pension will be suspended. If he/she declines to re-join his/her ill health/injury pension will be suspended. If the individual has been retired for more than 5 years consideration will be given to him/her attending full probationer training.

### **1.2.5 Transgender Rejoiner**

If a transgender police officer returns to force, it may be the case that they now live and work as a different gender to that which they were previously employed as in these cases it is important to manage the re-joining process carefully to avoid any unnecessary distress or embarrassment to that officer. The force's employment of transgender people should be referred to in these cases.

### **1.2.7 Financial Implications**

Salary costs and on costs will need to be considered by the force when deciding to accept a Police Officer re-joiner.

A Police Officer who re-joins Gwent Police will join at the same salary point which they were paid upon their leaving date. Whilst the re-joiner may return on the same rank, they may not be able to return to a specialist role.

### **Pension**

If a re-joiner leaves the police service but then returns to service as a regular police officer at a later date, the Police Pensions Regulations can affect them in a number of ways.

#### **Resumption of police service before usual pension age**

If a re-joiner resumes police service, having previously left the force either with a preserved pension or with an ill-health or injury pension, pensionable service counts with pensionable service during the further period of service towards one pension. No payments need to be made by the individual to reinstate previous service for pensionable purposes. However, if an individual resumes police service having retired with a return of pension contributions or with a transfer value to another pension scheme, the refund of pension contributions would have to be repaid or the transfer value returned in order that the previous pensionable service can be restored, whether in full or in part.

If an individual rejoins Gwent Police having previously been a member of Gwent Police then the previous pensionable service is reckonable as an entitlement.

If an individual rejoins Gwent Police from a different force then previous service is reckonable at the discretion of Gwent Police.

#### **Abatement of pension**

If an individual is a police pensioner resuming service as a regular police officer the force may at their discretion withdraw the whole or part of the individual's police pension during any period in which the individual served in any force as a regular police officer.

The Home Office recommends that abatement should entail withdrawing so much of the police pension that the total of pension and pay on rejoining does not exceed the rate of pay before retirement. If the current pay at least equals the previous pay, the pension is likely to be wholly withdrawn during the second period of the service, the individual will be able to retain a commuted lump sum and the new salary will not be affected.

Abatement of a police pension may be applied if an individual is in receipt of a police pension because of age or length of service (or if the individual receives a special police pension as an adult dependent relative of another officer) but not if the individual receives a widow or widower's pension, or have been allocated a pension.

A Police Officer re-joining the force will join the new Police Pension scheme.

## **2.0 Procedure Statement & Intentions**

### **2.1 Principle & Scope of Procedure:**

Gwent Police recognises that individuals who have previously resigned from a Police Force may decide to come back to the policing environment. Gwent Police will be able to benefit from the skills of experience of the individual. Similarly an officer who is retired on the grounds of permanent disablement but is now judged as no longer permanently disabled by a selected medical practitioner maybe offered the opportunity to re-join Gwent Police.

### **2.2 Aims of Procedure**

The aim of this procedure is to set out a clear process for Police Officer re-joiners.

## **3.0 Introduction**

### **3.1 Origins/Background Information**

Re-joiners Guidance November 2004.

### **3.2 Motivators/Driving Forces**

Re-joiners Guidance November 2004.

### **3.3 The Legal Basis and Legitimate Aims**

Re-joiners Guidance November 2004.

**Police officers can take action under the following statutes:**

- Equality Act 2010
- Equal Pay Act 1970
- Health and Safety at Work Act 1974
- Maternity and Parental Leave Regulations 1999
- Part Time Worker (Prevention of Less Favourable Treatment) Regulations 2000
- Public Interest Disclosure Act 1998
- Working Time Regulations 1998

#### **Codes of Practice**

The Equal Opportunities Commission (EOC) and Commission for Racial Equality (CRE), the Disability Rights Commission (DRC) and ACAS have produced Codes of Practice, giving guidance on good practice in respect of discrimination in the workplace. Infringements of the Codes are not in themselves unlawful; however they can be given as evidence to support claims of unlawful discrimination.

### **4.0 Implications of the Procedure**

#### **4.1 Financial Implications**

Salary costs and on costs will need to be considered by Gwent when deciding to accept a Police Officer re-joiner.

A Police Officer who re-joins Gwent Police will join at the same salary point which they were paid upon their leaving date.

#### **4.2 Human Resources/Training**

The Resource Department will be responsible for the administration of police officer re-joiners.

The Learning and Development department will be responsible for identifying individuals' training needs including foundation, legislation, officer safety, diversity awareness, etc.

## 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 6  
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 sites

#### **7.0 Monitoring / Review**

Monitoring of re-joiner applications will be undertaken by the Resource Department.

## 8.0 Procedure Identification Page

**Procedure Title:** Police Officer Re-joiner Procedure

**Reference:**111/5b issue 1.

**Procedure Ownership:** Head of People Services

**Portfolio/Business Area Owner:** ACPO Operational Support

**Procedure Written By:** Human Resource Officer / Resource Manager

**Department Responsible:** Human Resource Department

**Procedure Lead:** HR Manager

**Links to other Policies/Procedures:** Equal Opportunities Policy, Drug Testing Policy, Vetting Policy, Information Security and Data Protection, Personal Records Procedure, Police Regulations 2003

**Procedure Implementation Date:** 7<sup>th</sup> July 2011

**Procedure Review Date:** July 2013

## **APPENDIX A**

<b>Criteria</b>	<b>Rejoining after a break of less than 2 years</b>	<b>Rejoining after a break of between 2 – 5 years</b>
Competency Based Interview	Yes	Yes
Reasons for leaving and returning	Yes	Yes
Security Vetting	Yes	Yes
Criminal convictions check	Yes	Yes
Business interests check	Yes	Yes
Discipline/professional standards record	Yes	Yes
Attendance record	Yes	Yes
Previous PDR	Yes	Yes
Assessment Centre	No	No
Fitness Test	Yes	Yes
Medical	Yes	Yes
Substance misuse test.	Yes	Yes
Appointment to be made with Uniform Stores department	Yes	Yes
Request Collar number from Establishment Officer	Yes	Yes
Financial vetting	Yes	Yes
Re-attestation	Yes	Yes

<p>Probationary period</p> <p>* Regulation 12 of Police Regulations 2003</p>	<p>Re-joiners who have previously completed 2 years probation may be asked to serve a further period of probation at discretion of chief officer. If a re-joiner has previously completed more than 1 year of their probationary period but less than 2 years, a further period of probation of 12 months only would be appropriate.*Otherwise, the two-year probationary period must be completed.</p>	<p>Re-joiners who have previously completed 2 years probation may be asked to serve a further period of probation at discretion of chief officer. If a re-joiner has previously completed more than 1 year of their probationary period but less than 2 years, a further period of probation of 12 months only would be appropriate.*Otherwise, the two-year probationary period must be completed.</p>
<p>Training **</p>	<p>Learning and Development department will need to consider what training will be needed including foundation, legislation, officer safety, diversity awareness, etc. However each case will be looked at individually.</p>	<p>Learning and Development department will need to consider what training will be needed including foundation, legislation, officer safety, diversity awareness, etc. However each case will be looked at individually.</p>
<p>DNA and fingerprints for database will need to be retaken.</p>	<p>Yes</p>	<p>Yes</p>