



Policy Title Managing Organisational Change for Police Staff
CCMT Sponsor Director of People
Department/Area People Directorate
Section/Sector Staff Relations

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1.0 Rationale

1.1 This document encompasses the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992/1993 (Amendment) Order 2013 the Employment Rights Act 1996, the Collective Redundancies (Amendment) Regulations 2006, the Employment Relations Act 2004 and the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and Collective Redundancies and Transfer of Undertakings Protection of employment regulations 2013.

2.0 Intention

2.1 In response to changes in our environment and policing priorities, Thames Valley Police has to alter its way of working and the services provided to reflect the requirements of the communities we serve. A consequence of this can be changes to our service structures including the displacement of some posts and staff. The purpose of this policy is to provide a framework for the fair and consistent management of organisational change and the staff affected by it.

3.0 General Principles

3.1 This policy provides for fair and effective procedures for dealing with organisational change affecting staff.

3.2 The procedures contained in this document apply to Police Staff employees of Thames Valley Police ['TVP'] and staff employed by the Office of the Police & Crime Commissioner only, and also includes Police Community Support Officers. For the avoidance of doubt, they do not apply to police officers, self-employed contractors, agency workers or volunteers. The procedures have been formulated in consultation with UNISON and have been agreed by the Chief Constable's Management Team and the Police & Crime Commissioner.

4.0 Guidance, Procedures & Tactics

4.1 Individuals involved in the organisational change process have a responsibility to ensure that their actions support the intent and requirements set out in this policy. All employees covered by the scope of this policy should be aware of the policy and how to access it.

4.2 Business Partners, People Services Advisors and the Employment Relations Team are available to advise individuals on the application and use of the policy.

4.3 Details of the procedures to be followed when undertaking organisational change can be found in Appendix A-Organisational Change Procedures.

5.0 Challenges & Representations

Director of People
People Directorate
Thames Valley Police Headquarters (North)
Oxford Spires Business Park
Fountain Court
Langford Lane
Kidlington
Oxon. OX5 1NX

6.0 Communication

6.1 Links to Police National Legal Database Other

6.1.1 This policy should be read in conjunction with:

- Equal Opportunities in Employment Policy
- Diversity in Employment Policy

6.2 Implementation Strategy

6.2.1 Individuals will be informed of the new policy through weekly orders at the time of publication. The policy will be made available electronically via the Policy and Procedures intranet site and People Directorate intranet site.

6.2.2 This policy can be made available to the general public via the Internet site, except for the appendices which contain details of police methods.

7.0 Compliance and Certification

7.1 Human Rights Certification

(i) Legal Basis

- Trade Union and Labour Relations (Consolidation) Act 1992/1993 (Amendment) Order 2013
- Employment Rights Act 1996
- Collective Redundancies (Amendment) Regulations 2006
- Employment Relations Act 2003
- Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Collective Redundancies and Transfer of Undertaking Regulations 2013

(ii) Human Rights Articles Engaged

- Article 8 Right to Respect for Private and Family Life

- Article 11 Freedom of Assembly and Association
- Article 14 The Prohibition on Discrimination

(iii) Prohibition of Discrimination

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the European Convention. Article 14 states that the enjoyment of the Rights and Freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard for natural justice and human rights.

7.2 Diversity Impact Assessment

7.2.1 A Diversity Impact Assessment has been carried out on this policy and it has been assessed as having a 'LOW' impact on the six strands of diversity.

7.3 Diversity (People)

7.3.1 In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, belief, age or disability.

7.4 Management of Police Information (MoPI) Compliance

7.4.1 This policy does not affect any of the key business areas as identified by Management of Police Information (MoPI).

7.4.2 However, any information deemed 'for a policing purpose', or any data about an individual that is circulated or received by e-mail; or published/downloaded via the intranet or internet or circulated in any other format must comply with MoPI guidelines.

7.5 Community Engagement Strategy and Standards

7.5.1 This policy has no community engagement implications.

7.5.2 Please use the following links for further information:

- Community Engagement Strategy
- Standards

7.6 Data Protection

7.6.1 Personal Data (and sensitive personal data) processed in compliance with this policy will be managed in accordance with the provisions

of the Data Protection Act 1998. It is recognised that such information will be of a sensitive nature and procedures will be in place to ensure appropriate disclosures, retention and storage guidance is available. Line Managers must be aware that the information they hold under as a result of this policy must be managed in a secure manner in order to prevent inappropriate access.

7.7 Freedom of Information Act

7.7.1 This policy will be publicly available except for the Appendices which contain details of police methods. (Exemption 31.1(a) FOIA 2000). It may be published on the Freedom of Information Internet site.

7.8 Protective Markings

7.8.1 This document has been assessed for the appropriate level of marking and is **NOT PROTECTIVELY MARKED**.

7.9 Health & Safety at Work

7.9.1 In the implementation of this policy consideration must be given to aspects of health and safety management contained within the Force H&S policy and H&S Manual, which set out the requirement for documented risk assessment by a competent person (using Form PER 72 available from the Word/General templates folder), and the (Force Risk Matrix), when exposure to a particular hazard arising from workplace or pre-planned policing work activity can be said to reasonably foreseeable.

8.0 Monitoring and Review

8.1.1 A full review will be carried out by the policy author bi-annually and will examine:

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations
- Relevant Equality data

For use by the Policy Management Unit Only

Chief Officer Policy Authorisation

Policy signed off by:

Director of People:

Date:

Version	Date Reviewed	Author	Reason
1.0	02/10/2014	Tina Verran	Update of consultation periods due to a change in the law.
2.0	08/07/2015	Tina Verran	Slotting percentage increased to 75% for Bands 4 & above, trial period maximum reduced from 6 to 3 months.
3.0	08/10/2015	Tina Verran	Reduce salary protection and travel allowance from two years to one year. Travel allowance capped at 30 miles each way. Salary protection only to apply to substantive role.

APPENDICES

APPENDIX A

ORGANISATIONAL CHANGE PROCEDURES

This Section sets out the procedures to be followed when undertaking an organisational change programme.

1.0 Consultation

1.1 Consultation with employees and Unison should take place throughout the process. It is advisable to begin this as soon as possible and to keep staff fully informed. We will consult individually in relation to any potential redundancy situation affecting small numbers of staff and will also involve the union in these discussions as a matter of good practice. However, where it is proposed that 20 or more employees may be dismissed for redundancy then we are required to consult with trade unions and employee representatives within certain timescales. In these cases, known as 'Collective Consultation', consultation must begin at the earliest opportunity and must, in any event, begin:

- Where the employer is proposing to dismiss as redundant between 20 and 99 employees at one establishment within a period of 90 days or less, at least 30 days before the first of those dismissals takes effect, or
- Where the employer is proposing to dismiss as redundant 100 or more employees at one establishment within a period of 90 days or less, at least 45 days before the first of these dismissals takes effect.

1.2 'Collective Consultation' should be started in good time to ensure that it is meaningful and with a view to finding ways to avoid dismissals or reduce the number of dismissals, and mitigate the consequences of any dismissals. Consultation on these issues should be carried out with a view to reaching agreement with the appropriate representatives. TVP and/or the Police & Crime Commissioner (for OPCC staff) may not agree to submissions made by the trade unions or staff representatives but these must be genuinely considered and, at a stage prior to final decisions being made.

1.3 Where 'Collective Consultation' does not apply the individual and their representatives will be informed of the draft plans and provided with the opportunity to comment have those comments taken into consideration prior to the draft plans being finalised.

2.0 Procedure for Managing Change

2.1 Step 1

Drafting a Change Plan – The first step in any reorganisation is to determine the service that is to be provided and the structure through which the service will be delivered and correspondingly the roles required to deliver the service within the new structure. If roles are changing then role specifications should be prepared to reflect the responsibilities and qualifications or equivalent experience of each role affected. Final decisions on the proposals should not be made until consultation has been concluded. The roles should then be evaluated.

2.2 Step 2

Staff implications – Having defined the change programme it is then time to consider any potential impact on staff. This process will include:

1. Consultation with Unison regarding the impact of the changes on staff.
2. Consideration whether or not staff 'slot' into a new structure.
3. Whether it would be appropriate to 'ring fence' any vacancies that arise within the employing department and make them available to affected staff.
4. Placing staff who do not 'slot' on the 'at risk' register so that they can be considered for any suitable alternative roles.
5. Meetings with individual staff affected by the proposed changes, together with their union representative or a colleague.
6. The People Services Advisor will advise on the necessity, timings and number of meetings dependent upon the particular circumstances.

2.3 Step 3

Implementation – Once all consultation has been completed the proposed change programme can be implemented.

3.0 Requests for Voluntary Redundancy

3.1 In a situation that may result in compulsory redundancy, employees may put their names forward for consideration for voluntary redeployment and/or voluntary redundancy. The Head of the employing Department/LPA/OCU will make an assessment of whether any particular volunteer could be released from their role, taking into account the needs of the organisation. A recommendation to reject a volunteer and select another member of staff for consideration for redundancy should be reasonable and take into account all the circumstances. Those reasons must be recorded. The decision on whether or not the voluntary redundancy will be granted will be made by the Director of People.

4.0 Slotting in

4.1 Reorganisations may result in modest changes to existing jobs. In these cases, staff could, in certain circumstances, be 'slotted in' to a role within a new structure. The criteria will establish in what way the work the individual currently undertakes in their substantive role will be performed within the new structure. The following criteria will be applied:

- For Bands 1 to 3 if 50% or more of the individual's current work will be incorporated into a new job and that amounts to 50% or more of the new job, the current post holder may be 'slotted in' to that new job.
- For Bands 4 and above if 75% or more of the individual's current work will be incorporated into a new job and that amounts to 75% or more of the new job, the current post holder may be 'slotted in' to that new job.

During this exercise account will be taken of the individual's job description, accountabilities and any other relevant information. However, automatic 'slot in' may not apply in circumstances where:

- The new job is at a level more than two Pay Reference Point above or two Pay Reference Points below the current job.
- Two or more existing staff meet the criteria for 'slotting in' to the same job. In this situation a detailed role specification for the new job will be prepared and all staff who may 'slot in' to the role will be invited to apply. The new job being offered to the person who best meets the specification following an appropriate selection procedure.
- The new job requires knowledge, skills and/or experience not required in the current role.

4.2 Once 'slotted' into a different position this then becomes the employee's role. They will not be 'at risk' of redundancy and will be not be entitled to a trial period.

5.0 Selection for Redundancy

5.1 In cases where staff do not automatically slot into an alternative role or there are insufficient roles to accommodate all staff affected there will be a fair selection process for redundancy. This will require a full consideration of the appropriate pool of employees from whom candidates for redundancy may be selected and the criteria to be used in that selection.

6.0 Alternative Employment

6.1 Staff who have not been slotted in and who have therefore been selected for redundancy will remain 'at risk' of redundancy. They will be considered for any alternative roles for which they have the necessary skills and will be given priority over any other internal or external applicants. This means that they will be offered appointment to any suitable alternative role that is available and which they are interested in and competent to perform.

No assumptions should be made about whether or not the individual will wish to accept the role in question and potential roles should be discussed with them. There is, however, no obligation to create new roles or offer roles for which the employee is not suitable.

6.2 Where two or more staff who are 'at risk' have the skills to be considered for the same post there will be an appropriate selection process to determine whether the candidates meet the requirements of the role, and if so which should be offered the post (following the normal recruitment selection process). In certain circumstances 'ring-fencing' of posts on the same location may be appropriate before jobs are offered to other staff.

7.0 Salary Protection

7.1 When alternative employment has been identified for an employee who has been notified they are 'at risk' but at a lower salary level and they accept the post, their current salary (in their substantive role) will be protected, together with any allowances, for a period of one year.

7.2 The provisions of salary protection as described above may be limited to a difference of two Pay Reference Points below the current job.

8.0 Trial Period

8.1 An employee, who is 'at risk' of redundancy, and accepts alternative employment deemed suitable, must be given a 4 week trial period to decide if it is suitable, during which time they retain their right to redundancy compensation. Where re-training is required the 4 week trial period may be extended by agreement. Line managers should also use the trial period to assess an employee's suitability for the new role. An employee who unreasonably refuses the offer of suitable alternative employment may lose their entitlement to a redundancy payment.

8.2 In certain circumstances, in agreement with the Director of People (Chief Executive in the case of staff employed by the Police & Crime Commissioner), an appointment will be made where the selected individual does not fully meet the requirements of the new post but can reasonably be expected to acquire the necessary knowledge, skills or experience within a reasonable time following appropriate training or other support provided by the Force. He/she should be offered the post for an identified extended trial period. The People Services Advisor will document and date the arrangements in writing to the individual for agreement clearly specifying the time period, together with an appropriate development plan. What constitutes a 'reasonable time' will depend on the operational impact of the knowledge, skills or experience gap, including the capacity of the service to cover the gap in other ways, but should not normally exceed three months.

9.0 Excess Travel Costs

9.1 In accordance with their conditions of service, employees who are found alternative employment at a different location may have an entitlement to have excess travel costs paid for a period of one year. This relates to the difference in the cost of travelling between their home and old place of work and their home and their new place of work. The reimbursement is limited to additional costs incurred and only applies to a daily amount of up to 30 miles each way per day and additional mileage greater than four miles in each direction. The appropriate car allowance or actual public transport costs will be paid and the payment is taxable.

10.0 Redundancy

10.1 Avoidance

10.1.1 It is the policy of Thames Valley Police and the Police & Crime Commissioner to take all reasonable steps to avoid redundancy by trying to re-deploy surplus staff. However, in certain circumstances, this will not be possible in which case the employee will receive the appropriate redundancy compensation.

10.2 Definition

10.2.1 The legal definition states that an individual redundancy situation occurs when an employee is dismissed because:

- An employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him; or
- An employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- 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; or
- 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.

10.2.2 In relation to a collective redundancy situation there is no legal definition other than that for consultation purposes, redundancy means a dismissal 'for a reason not related to the individual concerned or for a number of reasons all of which are not so related'

10.3 Entitlements

10.3.1 The amount of compensation payable to a redundant employee depends on their age and continuous service with Thames Valley Police/OPCC and any other organisation falling under the provisions of the Redundancy Payments (Continuity of Employment in Local Government etc...) (Modification) Orders 1999 (as amended). Employees must have at

least two complete years service in order to qualify for a redundancy payment. Each completed year of service up to a maximum of 20 years is taken into account for the purpose of calculating the redundancy payment on the following scale (please note that this refers to the employee's actual age at the time the service was completed):

- Up to the age of 21 years – 0.5 week's pay.
- 22 – 40 years of age – 1 week's pay.
- 41+ years of age - 1.5 weeks' pay.

10.3.2 The current practice of Thames Valley Police and the Police & Crime Commissioner is to use employees' actual pay (gross pay) in the calculation. Where an employee's continuous service is made up of a mixture of full and part time service, consideration will be given to paying compensation based on the employee's average working hours during their continuous service provided that:

1. The compensation paid will be no less than if calculated at actual hours and pay.
2. The maximum redundancy compensation does not exceed 104 weeks at actual hours and pay.

10.3.3 Where an employee unreasonably refuses an offer of suitable alternative employment they may lose their entitlement to redundancy compensation. In determining whether a reasonable refusal account will be taken of the legal definition of 'suitable alternative employment.'

10.3.4 Additionally, if an employee is dismissed for a reason other than redundancy during the selection process or their notice period, they will not be entitled to redundancy compensation.

10.4 Pension

10.4.1 For those employees over 55 years of age with at least 2 years' pensionable employment an immediate pension is payable based on benefits accrued to the date of redundancy. For those under 55, pension benefits are either 'frozen' (though index linked) and payable at normal retiring age or converted into a transfer value to be incorporated into entitlements of any other pension scheme the employee may join.

11.0 Redundancy Dismissal Decision

11.1 When all efforts of securing alternative employment for an individual have failed then there may be no option but to make the person redundant.

11.2 In all such cases the statutory dismissal procedure must be followed. This provides for:

- An employee to be written to in order to confirm that they are still 'at risk' and confirm the steps taken to identify alternative employment and any other relevant consultation issues. In the letter they will also be invited to attend a meeting to discuss the potential termination of their employment by reason of redundancy and any reasonable means whereby the dismissal might be avoided.
- A meeting to be held with the employee, allowing them to be accompanied, the outcome of which to be confirmed in writing.
- The employee to be informed of their right of appeal. This right of appeal should be set out in the decision letter.

11.3 The dismissal decision will be determined by the Director of People following a recommendation from the Business Partner (People) (Chief Executive in the case of staff employed by the Police & Crime Commissioner).

12.0 Appeal Process

12.1 An employee cannot appeal on the basis that there was not a good reason to dismiss them. For an example of a valid ground for appeal, they can appeal against their selection for redundancy or a decision not to offer an alternative post for which they have been interviewed. The appeal should be in writing to the Director of People (Chief Executive in the case of staff employed by the Police & Crime Commissioner) and received within **5** working days of the date upon which they receive written confirmation of the decision against which they wish to appeal. The letter must state the grounds on which the appeal is being made.

12.2 The appeal will be heard by the Director of Information, who will be assisted by a Business Partner (People). Separate arrangements will be made in the case of staff employed by the Police & Crime Commissioner). The employee or their representative will be given the opportunity to indicate why, in their opinion, the selection criteria have been incorrectly or unfairly applied or the interview process unfair or why else the decision to dismiss is believed to be unfair.

12.3 The outcome of the appeal will be confirmed in writing to the employee and copied to both the Business Partner (People) and their representative. Employees should note that there is no further right of appeal.

13.0 Right to be Accompanied

13.1 Employees involved in organisational change meetings have the right to be accompanied by a trade union representative or a workplace colleague who is an employee of the organisation. Staff must tell their Business Partner (People) prior to the meeting that they wish to be accompanied and confirm who their representative is.

14.0 Confidentiality

14.1 All meetings and documentation relating to individual staff generated as part of the organisation change process, together with any appeals will be conducted in a confidential manner and access restricted to those involved in the process.

15.0 Support

15.1 There will always be a certain amount of stress and anxiety for employees affected by organisational change. Employees are encouraged to seek support appropriate to their needs through Corporate Health Services. Managers should aim to conclude the change process as quickly as feasible and encourage employees to engage in the process in order to minimise the stress associated with change.

16.0 Records

16.1 Relevant documents in relation to any change programme should be treated as confidential and managed in accordance with the Data Protection Act 1998 and the Force Information Management Policies.

16.2 Written records must be kept of all consultation meetings held with groups of employees and individual employees.