Employee’s Guide to Redundancy
POLICE STAFF ONLY

Procedure Reference Number: 2010.27
Procedure Index

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1. Procedure Aim

1.1 This procedure has been written to help you if your post has been affected through organisational change that may result in a redundancy situation. It has been written in accordance with employment law and best management practice.

1.2 All Redundancy situations are different. This guide will be a reference for you; however, your line manager will support you and provide you with relevant information throughout the process.

1.3 The redundancy procedure applies to all police support staff permanently and directly employed by the Police and Crime Commissioner. The procedure and associated documents have been written in accordance with ACAS guidance and comply with the Human Rights and Equality Act.

2. Guidance

2.1 Introduction

2.1.1 Redundancy is one of the most traumatic events you may experience. Announcement of redundancies may have an impact on your morale, motivation and productivity. Cheshire Constabulary aims to ensure that this process is applied in a fair, transparent and consistent manner for all concerned.

What is Redundancy?

2.1.2 Redundancy has two different meanings for the purposes of UK employment law; to establish entitlement to redundancy payments and the right to be consulted.

2.1.3 Under the Employment Rights Act 1996, redundancy arises when employees are dismissed because:

- the organisation has ceased, or intends to cease, to carry on the business for the purposes of which you are employed; or

- the organisation has ceased, or intends to cease, to carry on the business in the place where you are employed; or

- the requirements of the organisation for you to carry out work of a particular kind has ceased, or diminished, or are expected to cease or diminish; or

- the requirements of the organisation for you 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.
2.2 Consultation

2.2.1 The purpose of consultation is to provide as early an opportunity as practicable the opportunity to share the problem and explore the options. This can stimulate better co-operation, reduce uncertainty and lead to better decision making.

2.2.2 Consultation does not have to end in agreement, but it must be properly carried out with a view to reaching agreement, including discussing ways of:

- Avoiding dismissals
- Implementing new initiatives
- Reducing the numbers to be dismissed, and
- Mitigating the consequences of the dismissals
- Changing working methods

2.2.3 The consultation should be undertaken with a view to reaching agreement with the appropriate representatives.

Stages of Consultation

Stage 1 – Initial Consultation

2.2.4 The initial proposal will be consulted on with Unison as early as possible. The purpose of this early consultation is to provide an opportunity for all concerned to share the problem and explore the options. It can stimulate better co-operation, reduce uncertainty and lead to better decision making.

Stage 2 – Collective Consultation (if 20 or more employees affected)

2.2.5 At the start of the Collective Consultation the employer must provide written details of:

- The reasons for the proposed redundancies
- The number and categories of employees it is proposed to make redundant.
- The total number of employees whom it is proposed to dismiss as redundant
- The numbers of employees in these categories employed at the establishment
- How they plan to select employees for redundancy
• How redundancies will be carried out
• How redundancy payments will be calculated.

2.2.6 Details of redundancy proposals and minutes of collective consultation meetings will be made available via the force intranet

Stage 3 – Individual Consultation

2.2.7 Your manager will arrange for individual consultation meetings with you with support from Human Resources. Meetings may begin as a pool then continue on an individual basis, dependant upon the numbers involved. These meetings are to provide you with the opportunity to put forward your views on alternatives to redundancy. The duration for individual consultation is not defined in law but usually ranges between two to four weeks.

2.2.8 The following will form the basis of meetings:

• Explain that ways of avoiding the redundancies are being explored.
• Ask for suggestions of ways to avoid redundancies
• Asking for expression of interest from members of the group regarding voluntary retirement and/or voluntary redundancy
• Explain the proposed selection criteria, if applicable
• Explain the outline time frame for potential redundancies (however this is subject to consultation)

2.2.9 Managers will arrange for a record of the meetings to be made so that any questions or comments can be fed into the consultation process as a whole.

2.2.10 As a minimum and in accordance with the Collective Redundancies (Amendment) Regulations 2006 and Transfer of Undertakings (Protection of Employment) Regulations 2006, managers will consult and disclose information on all matters that are not commercially sensitive or strictly confidential. The aim would be to disclose as much information as possible in accordance with the provisions of Section 181 of the Trade Union and Labour Relation (Consolidation) Act 1992.

2.2.11 Managers will record the meetings and consultation is not complete until they have:

• Given all the relevant information
• Listened to all the responses you have made and your representative has made
• Considered those responses
• Replied to you and your representative giving full reasons for the decision to be taken and full reasons for not following any suggestions or ideas put forward during the consultation process.

Stage 4 - Final Consultation following completion of one-to-one meetings

2.2.12 Once the proposals are final and detailed in relation to categories and grades, consultation should take place between the appropriate Senior Manager, Human Resources and Unison to agree an implementation plan.

Additional Information Regarding Consultation
2.2.13 At any time you via your Unison representatives/or manager may request further information, or seek further clarification. Managers will respond accordingly to such requests. It should be noted that managers may not have any further information to disclose beyond that which has been conveyed already.

2.2.14 Options can be discussed outside of any formal arrangements that may exist. Such discussions are wholly acceptable, and indeed encouraged, provided all such meetings and discussions are properly recorded.

2.2.15 If you feel that there has been inadequate consultation regarding a particular matter you should in the first instance, raise the matter with your line manager and/or Unison representative. If you are not a member of Unison you should raise your concerns with your line manager who will in turn contact Human Resources for advice.

2.3 Selection Criteria

2.3.1 During the formal consultation period Human Resources will seek to agree the selection criteria for redundancy with Unison.

2.3.2 The selection criteria will be objective, non-discriminatory and applied consistently. (Any records relied on should be accurate and supporting evidence, for example in respect of performance, will need to be objective). A variety of criteria that can be used to select employees for redundancy may include:

- Attendance record
- Disciplinary / Conduct record
- Relevant experience
- Capability and competence/performance
- Relevant qualifications
- Length of service

2.3.3 The actual selection criteria will be determined for each redundancy situation following consultation with Unison, and will take into account the scale of the redundancy situation and the reason for it.

2.3.4 In some instances the Constabulary may select employees following a formal interview. Other scenarios that may be considered are self assessment and submission to a panel, role matching for the same or similar roles and posts being ring fenced. These different methods of selection will form part of the consultation process and affected employees will be notified by Human Resources accordingly.

2.3.5 The selection procedures will generally be based on a points system which scores each employee against the relevant criteria. Care will be taken to ensure that the criteria avoid factors which are discriminatory in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, as per the Equality Act. Unfairness can be direct or indirect, for example, selection of part-timers if that group does not reflect the wider group of affected staff.

Voluntary Redundancy/Retirement
2.3.6 Human Resources may give consideration to inviting expressions of interest from employees to see if they are willing to volunteer for redundancy and/ or early retirement and then select those to be made redundant from the resulting list. The Constabulary will determine the group from which volunteers will be sought. This may be based on, for example, job type or location, this is at the discretion of the Directors and will depend upon the circumstances.

2.3.7 If you wish to volunteer you should apply in writing to your manager in order to obtain a quotation. At any stage of the volunteer process, you reserve the right to withdraw your interest. Once you have received the quotation you should confirm your wish to progress your application or withdraw.

2.3.8 The Constabulary may decide not to grant a request for voluntary early retirement and/or redundancy. Such situations may occur when:

- The number of requests exceeds the number of proposed redundancies.
- The Constabulary is unable to accept the request on financial grounds i.e. the cost of releasing the employee is not viable
- The employee has knowledge or key skills necessary for the functioning of the business

2.3.9 Human Resources will reply to any applications received at the earliest opportunity.

One to one consultation meetings

2.3.10 Human Resources will write to you if you have been initially selected for redundancy inviting you to a meeting with your manager. A letter will be issued placing you formally ‘at risk’. The letter will confirm that you are able to bring a Unison representative or a friend who is a work colleague with you. This is not a statutory right and therefore meetings will not be postponed when either Unison or a friend who is a work colleague is not available. The role of your friend will be to support you and raise any issues you would like presenting. However it is not their role to speak on your behalf or to prevent the meetings from going ahead. The letter will set out reasons for the redundancy situation and reason for selection, together with a summary of the consultation to-date.

2.3.11 The meeting will follow the following format:

- Explain the selection group or if there is only one role discuss individual score, if available
- Discuss the process of redundancy
- Ask you if you have any questions relating to the process that has been/will be followed
- Inform of the decision of right to appeal in writing i.e. the appeal is against the selection for redundancy (scoring procedure) and not the decision to make the post redundant.

2.3.12 If for any reason you are not in work i.e. sickness absence, maternity/adoption leave, secondment, career break, suspension, managers must make contact with you to arrange a meeting. This is to establish your preferred place to meet e.g. Meet at work premises or place of choice and agree the best method of
communicating in future with you, for example, via email, telephone, letter or through Unison representation or a work colleague.

2.3.13 Further one-to-one meetings will be held to review personal details and skills, knowledge, qualifications and experience. This will be used to support the process of trying to identify any suitable alternative employment. An individual consultation record will be made of your details and a copy will be signed and retained by both you and your manager on the conclusion of the meeting.

2.3.14 When the consultation process has been exhausted a final one-to-one meeting will be arranged to inform you of the decision. This will also be confirmed by letter. As an employee you have a right to be accompanied by a Unison representative or a work colleague. The letter must include that as an employee you may be dismissed due to redundancy at the meeting.

Meeting format final one-to-one

2.3.15 The meeting with you will follow the following format:

- IF JOB IS TO REMAIN – state there is no change to terms and conditions and this will be the end of the consultation process.

- IF JOB IS TO BE MADE REDUNDANT:
  - Issue statutory notice to terminate post
  - Reasons for proposed redundancy (reinforce main points of group/individual meetings)
  - Support provided by the Constabulary in the form of Outplacement.
  - Explain the right to take time off to seek external alternative employment, a statutory maximum of 2 paid days (2/5\(^{th}\) of weekly pay) in total can be agreed and reasonable unpaid time-off as agreed with management
  - Right to appeal regarding redundancy dismissal.

2.3.16 The manager will keep full notes of the meeting. Issues raised at the meeting by you, the Unison representative or the colleague (if in attendance) will be fully considered and explored fully before the outcome is decided.

2.3.17 Following this meeting Human Resources will write to you confirming the decision to dismiss you as redundant and issue contractual notice including the termination date of your employment. The letter will also include that whilst working your notice period you will be entitled to a maximum of 2 days paid (2/5\(^{th}\) of weekly pay) and reasonable unpaid time off work to find new employment and support from an outplacement provider will also be provided. There will also be an explanation of the redundancy calculation together with your right of appeal against the decision to dismiss. During this time it will be explained to you that the Constabulary will attempt to identify any suitable alternative work.

2.3.18 Notice to terminate employment must not be issued until the Collective Consultation and one-to-one individual consultation has been fully concluded.

2.4 Suitable Alternative Work
2.4.1 The Constabulary will consider whether employees selected for redundancy can be offered suitable alternative work. Human Resources will aim to identify suitable alternative employment, if possible. All employees will be entitled to be considered for suitable alternative employment for a minimum period of 6 weeks regardless of their notice period. Where alternative employment is available within the Constabulary, you will be given sufficient details to enable you to decide whether to accept the offer of suitable alternative work or not. If an offer of suitable alternative employment is accepted a redundancy payment will not be payable to you. If you unreasonably refuse an offer of suitable alternative employment, you will lose your entitlement to a redundancy payment.

2.4.2 In addition, you will be encouraged to access the Constabulary intranet to view job vacancies that may be of interest to you. In these circumstances it should be noted that an application for a vacant post made directly by you may not be considered as a suitable alternative employment by the Constabulary. This should not prevent you from applying for the vacant post. If you are successful in your application then managers should seek guidance from Human Resources regarding notice periods.

2.4.3 It is Cheshire Constabulary’s responsibility to ensure all employees ‘at risk’ or employees on redundancy notice have ongoing full access to the complete up to date vacancy list (this will normally be available on the force intranet). Line managers must ensure that appropriate arrangements are made to allow access to staff who are absent from the workplace for any reason. Individual staff should take responsibility for identifying vacancies that may be suitable

Suitable alternative work identified

2.4.4 Management or Human Resources will aim to identify a suitable alternative position. You must consider whether the alternative work is suitable. The following factors may influence your decision: pay, status, location, working environment, hours of work, qualification and skills.

2.4.5 Consideration MUST be given to reasonable adjustments for an employee who is disabled within the meaning of the Disability Discrimination Act. If the redundant employee is an individual who is absent on maternity leave/adoption leave, it is NECESSARY to offer alternative employment over and above other candidates.

Offer of suitable alternative work

2.4.6 Human Resources will write to you where a decision has been made to make you redundant, inviting you to a meeting to discuss trying to find suitable alternative work which you could be reasonably capable of doing.

2.4.7 You can be accompanied to the meeting by Unison or friend who is a work colleague (this is not statutory right and therefore will not delay meetings from going ahead).

2.4.8 The manager will go through the details of any suitable alternative work found. Human Resources will then send an offer of suitable alternative work, (if available), in writing which will include:

• Job description and title
Not Protectively Marked

- Grade and pay scale
- Location and manager contact details
- Working pattern and hours of work
- Details of the trial period
- Start date
- Show where the provisions of the new contract differ from the original contract, e.g. you commence in the role of Business Support Assistant from having been made redundant from the role of Word Processing Operator.

2.4.9 By law the offer must be made before the employment under the current contract ends. The offer should show how the new employment differs from the old. You will be required to accept or reject the offer in writing within seven days of receipt of the letter offering suitable alternative work.

Relocation Allowance and Pay Protection

2.4.10 A relocation allowance has been agreed in a redundancy situation but it will be capped up to and including scale 6. Relocation allowance is paid 6 monthly after the trial period has been confirmed as successful. Relocation allowance is calculated for on a 2 year period.

2.4.11 In most cases of redundancy pay protection will not be needed. However, if an employee's basic pay is protected it will be for a period of 2 years in accordance with this procedure. You will not be entitled to any further annual increments of salary and their incremental point will be “frozen”. Annual cost of living awards will still apply.

2.4.12 If the trial period is successful, your appointment to the new post will be confirmed. The period of pay protection will commence from the start of the trial period.

2.4.13 If the Constabulary identifies a suitable alternative post then pay protection will be limited to one grade pay difference from the original post.

Trial periods

2.4.14 Where the suitable alternative employment is accepted an employee who is under notice of redundancy has a statutory right to a trial period of four weeks in the alternative job. The trial period begins when the previous contract has ended and ends four weeks after the date on which the employee starts work under the new contract. The purpose of the trial period is to give you and the manager an opportunity to decide whether the new job is suitable without losing the right to a redundancy payment. The Constabulary may in certain circumstances offer up to a second trial period where a suitable vacancy exists.

Trial Diagram
2.4.15 If during the 4 week trial you are absent from work due to sickness absence, annual leave, Christmas holidays etc. this will form part of the trial period and will not be discounted from the 4 weeks.

2.4.16 The new manager will conduct regular reviews throughout the trial period using the appraisal objective setting and evidencing process to record the outcome of discussions. The purpose of the reviews is to identify as soon as possible whether you meet the required standard for the role and to check how you feel about the new role.

2.4.17 If at the end of the four week trial period both parties are satisfied that you meet the requirements for the new role, the new contract will be confirmed by Human Resources. At the start of the trial a new contract of employment will be issued. This will serve to confirm substantive terms and conditions and will formalise your appointment to your new substantive post.

2.4.18 The four week trial period can be extended for up to 3 months for retraining purposes by mutual agreement which has to be in writing and agreed by both parties from the outset. The letter will be issued by Human Resources. The letter will specify the date on which the trial periods ends and sets out your terms and conditions after it ends. If you work beyond the end of the four week period or the jointly agreed extended period, any redundancy entitlement will be lost because you will be deemed to have accepted the new employment.

2.4.19 Should the Constabulary wish to end the new contract within the four week trial for a reason connected with the new job, you will preserve the right to a redundancy payment under the old contract. If the dismissal was due to a reason unconnected
with redundancy, e.g. misconduct, you may lose your entitlement to a redundancy payment.

2.4.20 If you give notice or terminate the contract during the trial period you are treated as having been dismissed when the original contract ended by reason of redundancy. However, the employer may determine that you may also be **treated as having** refused an offer of suitable alternative employment and you may lose your entitlement to redundancy pay.

**Suitable alternative employment not identified**

2.4.21 Human Resources will make a contemporaneous record of the procedure followed trying to find suitable alternative employment for any employee. This process will be combined with consultation with you as an employee.

**Notice Period**

2.4.22 Depending on the circumstance, the Constabulary may pay you in lieu of notice or require you to work out your notice period. During this period, Human Resources will continue to look for any suitable alternative employment and encourage you to do the same, but if nothing is available the last day of employment will be in accordance with the dismissal letter.

**New Employment with another Modification Order Body**

2.4.23 Managers must make employees aware that there is no eligibility to a redundancy payment if you take up new employment within 28 days of the date of termination with an employer who is covered under the Redundancy Payments (Modification) Order. For further information on which bodies are covered by this order and any other guidance, managers should consult Human Resources.

**2.5 Compensation**

2.5.1 Dismissed employees with two or more years’ service are entitled to a redundancy payment based on a 2.2 multiplying factor enhancement of the statutory redundancy entitlements with no cap on a weeks pay.

**Who qualifies for a redundancy payment?**

2.5.2 A payment is due only if the worker is an employee with at least two years continuous service up to the dismissal date. May include fixed term contract with over 2 years service.

**What are the payments?**

2.5.3 For each complete year of service, up to a maximum of 20, you are entitled to:

- for each year of service under age 22 - half a weeks pay
- for each year of service at age 22 but under 41 - one weeks pay
- for each year of service at age 41 or over - one and a half weeks pay.

The total is then multiplied by 2.2
What is a weeks pay?

2.5.4 A weeks pay is the actual weekly basic pay including contractual allowances without the application of a cap on a weeks pay. The 'calculation date' is the date on which Cheshire Constabulary gives you the minimum notice to which you are legally entitled. A weeks pay is defined as 7/365th of the employees basic annual salary including contractual allowances.

How does an employee claim a payment?

2.5.5 There is no need for you to make a claim for redundancy pay unless Cheshire Constabulary fails to pay or disputes your entitlement. Should there be a failure to pay, you must make a written request to Cheshire Constabulary. You may also seek redress to an employment tribunal within six months of the date the job ended.

Is redundancy pay subject to income tax or National Insurance?

2.5.6 The first £30,000 of any redundancy payment is tax-free. Any amount above £30,000 will be taxable. Redundancy payments are not subject to National Insurance.

When is a redundancy payment made and what is included?

2.5.7 The redundancy lump sum will be paid on the first available pay day AFTER the last day of service. This will also include any outstanding payments e.g. expense claims. All repayment agreements will be reviewed in light of redundancy and Cheshire Constabulary reserves the right to waive repayments in some circumstances e.g. study scheme repayment of fees will be examined on a case by case basis. Cheshire Constabulary reserves the right to reclaim certain payments from final salary paid to employees e.g. recovery pro rata of a lump sum relocation allowance made less than 2 years previous.

2.5.8 Cheshire Constabulary reserves the right to insist that where practical all outstanding leave, flexi-leave and Time Off in Lieu (TOIL) is taken prior to the last day of service, and also reserves the right in exceptional circumstances to refuse leave due to business reasons and will pay as part of the final salary.

2.5.9 If you are found to have breached your contract of employment by carrying out other paid work whilst absent during your notice period e.g. off sick, then you may lose their entitlement to a redundancy payment. In certain circumstances a County Court application may be made to recover monies paid by the Constabulary which they deem to have been paid during the breach of their contract.

Can someone have access to their pension when being made redundant?

2.5.10 An employee who has reached the age of 55 and is a member of the Local Government Pension Scheme (LGPS) and has at least 2 years service is entitled to the immediate payment of their pension if they are made redundant. Benefits are paid automatically at an unreduced rate.
2.5.11 In exceptional circumstances early retirement can also be granted to employees over the age of 55 whose job is filled by another employee who would otherwise have been dismissed due to redundancy. This is known as ‘bumping’.

2.5.12 If employees are a member of the LGPS they may buy added pension years to increase their pension entitlement. Employees can convert into added years of pension, the difference between their statutory redundancy pay entitlement and their contractual redundancy payment.

2.5.13 You should also familiarise yourself with the Constabulary’s pension augmentation procedure which can be found on the Constabulary intranet.

3. Responsibilities

3.1 The Police and Crime Commissioner has overall responsibility for the management of the Constabulary including decisions on the employment of police staff.

4. Appeals

4.1 Employees have rights of appeal on the following grounds:-

- where they consider their redundancy is unjustified
- where they consider the selection criteria for redundancy is unfair (only employees who have received formal notice can exercise this right of appeal).
- Where they are dissatisfied with the outcome of the suitable alternative employment process

4.2 Appeals must be made in writing within 10 working days of notice being given or being informed of the outcome of the suitable alternative employment process. Employees should make their appeal in writing to the Director / Head of Human Resources.

4.3 The Director / Head of Human Resources will convene a panel (which will include the Assistant Chief Officer) to hear the appeal. Where possible the appeal should take place within 14 days of the appeal being lodged. The redundancy notice will not be suspended during the appeal process but may be revoked if the appeal is successful.

4.4 At the discretion of the Director / Head of Human Resources with the agreement of the employees concerned a collective appeal may be heard. Employees may be accompanied by a Unison representative or a friend who is a work colleague.

5. Appendicies

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Managers’ Procedure for Redundancy

POLICE STAFF ONLY

Redundancy Policy Statement

The redundancy procedure applies to all police support staff permanently and directly employed by Cheshire Police Authority. The procedure and associated documents have been written in accordance with ACAS guidance and comply with the Human Rights and Equality Act.

The Chief Constable has overall responsibility for the management of the Constabulary including decisions on the employment of police staff. It is the aim of Cheshire Constabulary, as far as possible, to retain the services of its police staff minimising the impact on an individual’s terms and conditions of employment in circumstances where redundancy become necessary. The Constabulary wishes to avoid compulsory redundancies wherever possible, but cannot give guarantees, and will attempt to achieve this by considering other measures such as natural wastage, voluntary early retirement and voluntary redundancy. Where compulsory redundancy is unavoidable, Cheshire Constabulary will ensure that all matters are dealt with fairly and consistently and in accordance with equality and diversity best practice.
**Title:** Redundancy Procedure Procedure (Managers’ & Employees’)

**Procedure Author:** Justine Steele  
**Tel ext:** 4013

**Procedure approved by:** Strategic Planning Board

**Linked to Policy:** Employee Benefits and Rewards

**Date Approved:** 22.12.09

### Procedure Review

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>When was the procedure last reviewed?</td>
<td>2009</td>
<td></td>
</tr>
<tr>
<td>Is this procedure still required?</td>
<td>Yes</td>
<td>If No, contact the Force Information Centre to archive the document</td>
</tr>
<tr>
<td>Could this procedure be consolidated with another?</td>
<td>No</td>
<td>If Yes, contact Business Management to arrange a joint review</td>
</tr>
<tr>
<td>Does this procedure involve significant change to working practices that will have a resultant impact on service delivery, budget or operational risk?</td>
<td>No</td>
<td>If Yes, inform Business Management</td>
</tr>
</tbody>
</table>

| What forms are linked to this procedure?       | Ensure all forms included in the procedure are reviewed. If amendments are required to any forms contact the Force Forms Administrator within Design and Print. |

| Has the procedure considered the following? | Resource implications | Yes | |
|                                           | Finance implications  | Yes | |
|                                           | IT Service implications | Yes | No IT equipment required |

### Policy Owner Sign Off

*I authorise this procedure for publication / I have forwarded the procedure to an ACPO member for consideration*  
*Delete as appropriate*

**Policy Owner:** Justine Steele Director of Human Resources

**Signed**

**Date:** 22.12.09
### Procedure – Human Rights Review

#### Human Rights Compliance Assessment

| List legislation relevant to the procedure: | RIPA / PACE / CPIA |
| Other: | |

Has any of the legislation / case law changed since the last review? & No & If **No** to both questions then previous compliance test stands & |

Has procedure changed since last review? & Yes & |

As a result of the application of the procedure, which Articles are likely to be infringed?

<table>
<thead>
<tr>
<th>Article</th>
<th>Infringed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 Respect for private and family life</td>
<td>No</td>
</tr>
<tr>
<td>9 Freedom of thought, conscience and religion</td>
<td>No</td>
</tr>
<tr>
<td>10 Freedom of expression</td>
<td>No</td>
</tr>
<tr>
<td>11 Freedom of assembly and association</td>
<td>No</td>
</tr>
</tbody>
</table>

For each Article infringed, identify the legitimate aim(s) that justify the infringement:

<table>
<thead>
<tr>
<th>Legitimate Aim</th>
<th>Article 8</th>
<th>Article 9</th>
<th>Article 10</th>
<th>Article 11</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Security</td>
<td>N/A</td>
<td></td>
<td></td>
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<tr>
<td>Public safety</td>
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<tr>
<td>Economic wellbeing of country</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
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<tr>
<td>Prevention of crime and disorder</td>
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<td>Protection of public order</td>
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<tr>
<td>Territorial integrity</td>
<td>N/A</td>
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<tr>
<td>Protection of reputation and rights of others</td>
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<td>N/A</td>
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<tr>
<td>Preventing disclosure of information received in confidence</td>
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<td>N/A</td>
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<tr>
<td>Maintaining authority and impartiality of judiciary</td>
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<tr>
<td>Protection of health or morals</td>
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<td>Protection of rights and freedoms of others</td>
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</tbody>
</table>

Is the interference the least intrusive option to achieve the identified legitimate aim? & N/A & |

Is the interference justified and proportionate with regard to the identified legitimate aim? & N/A & |

Is the interference identified applied in a non-discriminatory manner? & N/A & |

Are decision making processes and outcomes of actions documented? & N/A & |

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**Article 8 – Right to Respect for Private and Family Life** – Everyone has the right to respect for his private and family life, his home and his correspondence.

**Article 9 – Freedom of Thought, Conscience and Religion** – Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

**Article 10 – Freedom of Expression** – Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

**Article 11 – Freedom of Assembly** – Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
# Procedure – Race and Diversity Impact Assessment

## Section A

| Title of Procedure: | Redundancy Procedure  
<table>
<thead>
<tr>
<th></th>
<th>Redeployment/Relocation Procedure</th>
</tr>
</thead>
</table>

Has a Diversity Impact Assessment been previously completed? **No**

If Yes, when and was it H/M/L? If No, go to Section B

Has the procedure changed sufficiently to require a further impact assessment? **No**

If Yes, go to Section B. If No, go to Section C

If no impact assessment has been completed or a further assessment is required, complete the following flowchart to identify whether the procedure has a potentially Low / Medium / High impact and bear in mind the recognised ‘6 strands’ of diversity:
- Minority Ethnic communities including asylum seekers and Gypsies
- Gay, Lesbian, Bisexual and Transgendered members of the community
- Age
- Religion
- Gender
- Disability

## Section B

Please complete the following flowchart and put an X in the box next to the score you have assigned the procedure:

1. **Does the procedure only relate to an internal process?**
   - **YES**
   - **NO**

2. **Does the procedure affect staff employment / development?**
   - **YES**
   - **NO**

3. **Is data with minority indicators collected?**
   - **YES**
   - **NO**

4. **Does the procedure show the potential for discrimination?**
   - **YES**
   - **NO**

5. **Are all reasonable safeguards and processes in place to ensure any potential discrimination is minimised?**
   - **YES**
   - **NO**

6. **Could the procedure be applied with discretion that might discriminate against a minority group?**
   - **YES**
   - **NO**

7. **Could application of the procedure affect community relations?**
   - **YES**
   - **NO**

The scores are:
- **LOW**
- **MEDIUM**
- **HIGH**

X is placed in the box next to the **MEDIUM** score.
| If on completion of the flowchart you consider that the initial impact assessment should be raised then please re-grade the impact as High or Medium. | N/A |
| Initial Impact Assessment raised? | If Yes then, was it raised to Medium / High |

### Section C - Race and Diversity Impact Assessment

1. **Does this activity present an opportunity for improving race/community/disability/age/gender or sexual orientation relations?** If so, how?  
   - Yes, by dealing appropriately and effectively with issues surrounding Redeployment and Redundancy, the Constabulary is giving a positive message about diversity and the importance of recognising the needs of all staff.

2. **Is there public/political concern in relation to race/disability/age/gender/sexual orientation/community issues attached to this activity?** If so, what are those concerns?  
   - Yes – the introduction of the procedure should minimise the likelihood of tribunal claims which could harm the reputation and public confidence in the organisation.

3. **What other sources of information have been used in the development of this procedure i.e. HMIC Inspection Reports, Home Office Circulars?**  
   - ACAS Codes of Practice

4. **Does the procedure relate to the use of a statutory power?** If so, under what circumstance could discrimination be acceptable?  
   - No

5. **What data collection process exists for this procedure? How is the data monitored to ensure that the impact is not discriminatory or disproportionate?** e.g. use of community intelligence.  
   - If reviewing the procedure what are the results of the monitoring?  
     - The People Enabling Team part of HR Dept are managing a data monitoring exercise as part of the current change programme.

6. **What evidence is there that actions to address any negative effects in one area may affect other areas of equality?**  
   - None

7. **When the Race and Diversity impact assessment has included consultation, who was consulted?** *(Include a summary of the key points)*  
   - Diversity Unit

8. **Has the procedure been altered following the consultation?** *(Include a summary of the key changes)*  
   - No

9. **Has feedback been given to the groups involved in the consultation?**  
   - Yes

I confirm that this procedure is compliant with the Constabulary’s commitment to Equality and Diversity.

**Approved by Diversity Advisory Unit**

**Name:** Jackie Tinning

**Date:**
Procedure – Health and Safety

Health and Safety Assessment
If required, guidance for this section should be sought from the Force Health and Safety Advisor.

Who will be affected by this Procedure? Police Employees

Are any of the existing generic risk assessments affected by this Procedure? No Details if Yes

Is a new risk assessment required by this procedure? No Details if Yes

Does this procedure require revised Health and Safety training for Staff? No Details if Yes

Does this procedure require revised equipment for Staff? No Details if Yes

I confirm that this procedure is compliant with Health and Safety legislation and regulations.

Approved by the Force Health and Safety Department

Name: H&S Representative Date:

Procedure – Quality of Service Commitment

Quality of Service Commitment
The National Quality of Service Commitment sets out the standards and services the public can expect when they make contact with the police. Further information is available on Looking Glass by clicking here

Is it possible that this procedure may impinge upon quality of service and specifically a National Quality of Service Commitment? No

If YES answer the following questions, for each commitment affected state whether it is in a positive or negative way and give details

Making it easy to contact us Yes / No
Providing a professional and high quality service Yes / No
Dealing with your initial contact Yes / No
Keeping you informed Yes / No
Ensuring your voice counts Yes / No
Victims of Crime Yes / No
Other service commitments Yes / No
Complaints Yes / No

What changes, if any, have been made to the procedure to reduce an adverse impact on quality of service?

If the procedure adversely affects quality of service, can it be justified because of the overall objectives? Yes / No
If Yes, give details
**Victims Code of Practice**

The Code of Practice for Victims is a statutory requirement and establishes the minimum service levels to be given to any person who has made an allegation to be the victim of a crime to the police or has had such an allegation made on their behalf. Further information is available on Looking Glass by clicking here.

Is it possible that this procedure may impinge upon the service provided to victims of crime and, specifically, compliance with the Victims Code?  
If YES answer the following questions, for each commitment affected state whether it is in a positive or negative way and give details.

<table>
<thead>
<tr>
<th>Commitment</th>
<th>Yes / No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Persons entitled to receive services under the Code</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Vulnerable or Intimidated victims</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Crime Reporting, Assessment and Victim Support</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Investigation</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Family Liaison Officers</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Arrest and Bail</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Decisions to bring Criminal proceedings</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Bailing of Persons to Court</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Other disposal methods</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Youth Offending Teams</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Requests from the Criminal Injuries Compensation Authority and/or the Criminal Injuries Compensation Appeals Panel</td>
<td>Yes / No</td>
</tr>
<tr>
<td>Information about the Criminal Cases Review Commission</td>
<td>Yes / No</td>
</tr>
</tbody>
</table>

What changes, if any, have been made to the procedure to reduce an adverse impact on the service given to victims of crime and to maintain compliance with the Code?

If the procedure adversely affects the service given to victims of crime and compliance with the Code, can it be justified because of the overall objectives?

---

**Procedure – Data Protection**

**Data Protection**

The Data Protection Act applies to personal data. This is defined as information relating to a “living” individual, who can be identified either from the information itself or indirectly by combining the information with other data available. All personal data must be dealt with in accordance with eight Data Protection Principles.

I confirm that this procedure is compliant with the Data Protection Act 1998.

Approved by Data Protection Officer

Name: ____________________________ Date: ____________________________
Procedure – Freedom of Information

Freedom of Information
The Freedom of Information Act 2000 requires that all public authorities develop and maintain a publication scheme. Cheshire has adopted the ACPO publication scheme model. This requires that force policies and procedures are routinely made available to the public on the force website.

Approved by Procedure Author (please complete one of the following statements)

This document is considered by the Author to be suitable for publication

Name: Justine Steele Date: 22.12.09

This document is considered by the author not to be suitable for publication and is exempt in accordance with section(s)............................ of the Freedom of Information Act 2000

Name: Date:

Approved by Freedom of Information Officer

I confirm that this procedure is compliant with the Freedom of Information Act 2000.

Name: Date:

Procedure – Management of Police Information

Management of Police Information (MoPI)
The "Management of Police Information" (MoPI) Guidance follows the publication in July 2005 of a Code of Practice on the management of police information developed by the Home Secretary under the Police Act 1996. This Statutory Code was part of the government's response to the recommendations of the Bichard Inquiry into the circumstances surrounding the tragic murders in Soham and was designed to provide a common national framework for the management of police information, highlighting the importance of common standards in high risk areas of activity.

The Force has a duty to be MoPI compliant in all business areas by 2010 and will be subject to HMIC inspection thereafter.

To support this, the procedure has been developed in accordance with the Force Information Management Strategy, MoPI Guidance and Codes of Practice. Further information is available on the Force Information Centre by clicking the above links.

Does the procedure deal with the collecting, recording, evaluating, sharing, retaining or disposal of police information? If so, does it contain documented guidance covering roles and responsibilities?

I confirm that this procedure is compliant with the Management of Police Information Guidance 2006

Approved by MoPI Officer

Name: Date:
Procedure – Force Solicitor’s Office Vetting

<table>
<thead>
<tr>
<th>Force Solicitor’s Office Procedure Vetting</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am also satisfied that this procedure does not disadvantage the Force or place it in a position of legal vulnerability. I have reviewed this procedure and can confirm that in my opinion all engagement of articles from Human Rights Act are lawful, proportionate and necessary.</td>
</tr>
</tbody>
</table>

Approved by the Force Solicitor’s Office

Name: Force Solicitor Representative
Date: 

Procedure – Risk Management

<table>
<thead>
<tr>
<th>Risk Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the procedure have any impact on organisational risk? Organisational risk includes anything that has the potential to impact upon the Constabulary’s assets, earnings, reputation, performance or personnel. An example of this could be where the Constabulary decides not to adopt national guidance in the application of its procedure.</td>
</tr>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

Procedure – Values Check

<table>
<thead>
<tr>
<th>Values Checklist</th>
</tr>
</thead>
<tbody>
<tr>
<td>The force has developed a set of core values which should be reflected in all our policies and procedures so the values can be systematically embedded in our daily tasks and processes.</td>
</tr>
<tr>
<td>A Values Checklist has been developed to assist staff who are writing a new or updating an old procedure to provoke ideas that may not have been previously considered.</td>
</tr>
<tr>
<td>I confirm that this procedure is compliant with the Force Values.</td>
</tr>
</tbody>
</table>

Name: Justine Steele
Date: 22.12.09

Procedure – Promotion and Distribution

<table>
<thead>
<tr>
<th>Promotion and Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>How will staff be made aware of the procedure?</td>
</tr>
<tr>
<td>Via Weekly Orders Entry; Force Information Centre; Looking Glass – HR Dept; Area HR Managers, a training programme for all managers has been delivered across the force, supervisors briefings.</td>
</tr>
</tbody>
</table>