



Voluntary Redundancy Procedure

This document is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

Procedure Statement

This procedure refers to North Yorkshire Police (NYP) members of Police Staff (excluding those who do not have a contract of employment with NYP). It does not apply to Police Officers, Special Constables or volunteer workers.

This procedure seeks to balance the needs of NYP in being able to manage overall redundancy effectively to respond flexibly to the requirements of the public it serves, at the same time as retaining a highly committed and experienced workforce.

Other Documents:

Voluntary Redundancy Pay Estimate Form
Voluntary Redundancy Scheme Application Form

Employment Law:

- Employment Rights Act 1996
- The Trade Union and labour relations (consolidation) Act 1992 (Amendment) Order 2013

Process

1. Introduction

It is widely accepted that there will be a need to apply significant organisational change from time to time, including responding to differing governmental priorities and financial and economic environments. NYP has responded to these changing priorities and environments by mapping out a series of reviews over the years in order to determine areas where organisational change would be beneficial. It is anticipated that this need will continue into the foreseeable future. Due to the continued efficiencies required to be identified and realised, it is inevitable that some roles will be lost.

NYP will endeavour to minimise compulsory redundancies and in order to do this has developed the Voluntary Redundancy Scheme for Police Staff. The scheme was developed by NYP, NYPA and UNISON. It applies to Police Staff only.

2. Principles of The Scheme

North Yorkshire Police retains the option of opening up a Voluntary Redundancy scheme to those police staff who are put at risk as a result of change proposals being considered or put into operation by the force. Dependent on circumstances North Yorkshire Police will consider the opportunities of opening up the scheme to a wider police staff audience, to encompass police staff who are not directly affected or at risk of proposed change proposals. North Yorkshire Police will consider the benefits or otherwise of doing so on a case-by-case basis.

A time limit will be applied to voluntary redundancy applications that are submitted prior to the proposed implementation date of the organisational change. This time limit is 6 months prior.

From time to time, Police Staff will be able to use the Voluntary Redundancy Calculator on the Source to determine an estimate of enhanced voluntary redundancy payment. They will also, if they are members of the Local Government Pension Scheme, be able to obtain an estimate of their pensionable benefits. Please note any estimates obtained from the Voluntary Redundancy Calculator should not be relied upon to plan your financial future without formal confirmation of figures.

Having considered the financial information, staff may then decide whether they wish to apply for voluntary redundancy. The form can be found on the Source.

Applications should be sent to the individual's line manager and Head of Function / Safer Neighbourhood Commander for comment prior to being submitted People Services for panel to consider. The flowchart, also available on the Source, shows the process the application will go through.

Please note Voluntary Redundancy will not be accessible as part of the Flexible Retirement scheme and applications for this process should be made as per that procedure.

3. Voluntary Redundancy Terms

North Yorkshire Police may enhance the statutory redundancy payments of any employee who has 2 or more years of relevant service. Under this scheme, enhanced benefits are available over and above the statutory scheme.

The details of the Voluntary Redundancy scheme are as follows:

1. That an actual week's pay will be used to calculate voluntary redundancy payments rather than a statutory week's pay and
2. That the previous statutory cap for redundancy payments is removed.

Length of service is to be continuous in the police staff service or other related employment as listed in The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) (Amendment) Order 2013.

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IMPORTANT NOTE: Offers of alternative employment with listed employers in the above modification order, during their notice period which are taken up within 4 weeks of their dismissal will result in there being no redundancy i.e. not eligible for a voluntary redundancy or redundancy payment enhanced or otherwise. Where staff have been made redundant and received payment and those circumstances turn out to apply, it is expected that the payment will be repaid to NYP. A current list of employers subject to the modification order can be found on the Source.

In addition to the above redundancy payment benefits, members of the Local Government Pension Scheme may also be able to take advantage of other options. These are as follows:

- Access to unreduced pension if granted voluntary redundancy and applicant is aged 55 or above¹.

Other than providing assistance in calculating entitlements or arranging for estimates of benefits, no member of NYP Police Staff shall offer any form of financial advice, to any member of staff who wishes to make use of this scheme.

4. Scheme Framework

Acceptance or refusal of applications for voluntary redundancy is entirely at the discretion of the employer with the decision to approve requests lying solely with the panel. There is no right of appeal.

Factors the panel will consider, for each case, include:

- The impact upon policing purposes
- The organisational impact of disestablishing a post
- The impact of skills and knowledge reduction
- The business efficiency of the unit and whether approval of an application would facilitate reorganisation of the unit and better service delivery
- Personal compassionate grounds
- Any other circumstances which may be relevant to the decision, and which may contribute to the more efficient exercise of the NYP functions

The above list is not in any order of importance or priority and due consideration will be given to all relevant criteria. It must be noted that NYP reserves the right to make the final decision upon voluntary redundancies and submission of an application is not a guarantee of approval.

The outcome of the panel will be communicated to the individual as soon as possible following conclusion of the meeting.

Where an application for voluntary redundancy has been approved the individual will be legally deemed to have their employment terminated by reason of redundancy. This will be a fair reason for dismissal at law. The agreed terms for such termination will be in full and final settlement of all contractual and common-law liabilities of the employer, its officers and its employees.

A member of the People Services team will meet with the individual and line manager to agree a leaving date for the individual. The meeting will take into consideration notice periods, annual leave and any other relevant factors.

5. Decision Making Authority

Dependent on employer, the decision making authority will lie with a panel comprising Heads of Function and / or Safer Neighbourhood Commanders which will be Chaired by either the Head of Finance or a senior member of the York and North Yorkshire Office for Policing, Fire, Crime and Commissioning (OFPCC). There would be an exception to this where the applications involve a peer group in which case the panel would be constituted of those of an appropriate senior level. All applications will be considered at a pre-arranged meeting and the decision of the panel will be final. A UNISON representative will be invited to attend the meeting and whilst the attendance will not be in a decision-making capacity, they will be able to advise the panel member[s] and make full representation. In accordance with good consultative practice Police Officer Staff Associations may be asked to take part in the event that their members' interests are engaged.

6. Pay In Lieu of Notice & Leave

NYP cannot guarantee to make payment in lieu of notice but will operate a presumption in favour of such payments in respect of staff accepted as volunteers for redundancy, where such an arrangement is in the interests of efficiency and effectiveness of the Force.

It is expected that the individual will have taken their annual leave entitlement or TOIL balance prior to leaving the organisation. There will be no payment for accrued flexitime, and this should be managed in the usual way.

7. Taxable Status of Payments

Redundancy payments up to the value of £30,000 are not taxable if certain criteria are met. All payments will be made in accordance with the Inland Revenue taxation regulations.

8. Re-Employment

Employees who leave NYP under this scheme will not normally be considered for re-employment within 4 years of the termination date of their employment.

Definition of Special Terms

North Yorkshire Police – collectively the Police, Fire and Crime Commissioner and the Chief Constable in their respective corporate capacities as the employer of staff (or, in the case of the Chief Constable in so far as Police Officers are concerned, deemed or de jure employer).

North Yorkshire Police Personnel – Collectively, Police Service Personnel and Commissioner Staff as defined below.

Police Service Personnel – Police Officers under the direction and control of the Chief Constable and Police Staff in the employment of the Chief Constable.

Chief Constable's Staff – All staff in the employment of the Chief Constable of North Yorkshire Police

Commissioner Staff – All staff in the employment of the Police, Fire and Crime Commissioner.

Police Staff – collectively, Commissioner and Chief Constable staff

Work colleague (in the capacity of the right to be accompanied) – any member of North Yorkshire Police Personnel