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REPORT / SUMMARY DECISION SHEET

PURPOSE: COMMISSIONER DECISION

Timing: Routine

**Title: Restructure of the Office of the Police and Crime Commissioner
(Decision Log Number for Restructure 002/2013)**

Category of Decision / Business Area Impact: Human Resources and Finance Department

Executive Summary: In line with the restructuring policy the existing staff within the Office of the Police and Crime Commissioner will now embark on a consultation period to discuss the implications for the potential restructure.

The following Staff will be impacted upon:-

- **Carys Morgans – Assistant Chief Executive, post no longer exists within the structure and therefore was placed at risk of redundancy on the 14th February 2013.**
- **Rachel Boissinot, Claire Godden and Kerrie Phillips – Policy Officers are in the process of consultation as outlined in the restructuring policy and the process will be followed.**
- **Anne Williams and Kay Thomas – Administration Support are in the process of consultation as outlined in the restructuring policy and the process will be followed.**

The new structure has been approved for implementation by the PCC and will support the new role of Chief of Staff, and the appointment of the Deputy Police and Crime Commissioner.

Recommendation:

The Commissioner is asked to note the process the staff within the OPCC will be undertaking.

Police and Crime Commissioner for Dyfed-Powys

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the NOLAN Principles for Conduct in Public Life.

The above has my approval.

Signature:

Date:

14/5/2013

1. Public Access to Information

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) including the exemptions set out within the Act and other relevant legislation. Where the exemptions or other restrictions are applicable, this form will be edited prior to being made available on the OPCC website within 5 working days of the decision being made by the Police and Crime Commissioner.

2. Officer Approval

**Chief Executive / Assistant Chief Executive / Chief Financial Officer
(Delete as appropriate)**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this an appropriate request to be submitted to the Commissioner

Signature

Date



Heddlu • Police

DYFED-POWYS

Diogelu ein Cymuned - Safeguarding our Community

RESTRUCTURING POLICY AND PROCEDURE

**THIS POLICY HAS BEEN DRAFTED IN ACCORDANCE WITH THE PRINCIPLES OF
HUMAN RIGHTS, PUBLIC DISCLOSURE IS APPROVED UNLESS WHERE OTHERWISE
INDICATED AS JUSTIFIED**

POLICY TITLE: Restructuring Policy and Procedure

POLICY REF. NO.:

POLICY OWNERSHIP: Dyfed Powys Police

PORTFOLIO/BUSINESS AREA OWNERSHIP: Human Resources

DEPARTMENT RESPONSIBLE: Human Resources

PERSON RESPONSIBLE: Steve Cadenne De Lannoy, Head of Employee Relations

LINKS/OVERLAPS WITH OTHER POLICIES: Redeployment Policy and Procedure, Redundancy Policy and Procedure.

POLICY DOCUMENT RATIFIED BY DCC ROBERTS ON BEHALF OF COG ON : 5TH April 2011

POLICY IMPLEMENTATION DATE: 5th April 2011

REQUIRED FREQUENCY OF REVIEW: Annually

DATE POLICY LAST REVIEWED: January to March 2011

POLICY REVIEW DATE: April 2012

DIVERSITY SCREENING ASSESSMENT (DATE):

PERSON RESPONSIBLE: Steve Cadenne De Lannoy, Head of Employee Relations

COMPLETED SCREENING ASSESSMENT SENT TO DIVERSITY OFFICER (DATE):

CONSULTATION

Representatives Consulted	Date Approved
Chief Officer Group	5 th April 2011
Unison	21 st March 2011
Police Authority HR & Staff Liaison Committee	16 th March 2011

Document History

Version	Date	Author	Reason for Change

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Restructuring Policy and Procedure

1.0 Scope

This policy applies to all staff and sets out the force approach to dealing with restructuring.

The policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of management.

2.0 Restructuring Policy

This policy will be applied in situations where services are being restructured and posts are being created, amended or deleted. The aim of this policy is to ensure a logical, consistent approach is taken to restructuring within the force, providing fair and equitable treatment of staff irrespective of Age, Disability, Gender (and Transgender), Race, Religion or Belief, Sexual Orientation, or language.

However, it is not possible to guarantee reasonable suitable employment to all staff who fall within this process.

2.1 Restructuring may arise as a result of :

- Service or organisational change arising from the transfer in or out of services.
- Estate changes (reduction/acquisition of sites offices).
- New legislation.
- Budgetary requirements.
- Economic requirements.
- Revision of working practises, improving efficiency and effectiveness.
- Any other form of organisational change that could result in reengagement, redundancy, redeployment and transfer of employment to another organisation (TUPE).

2.2 This policy has been drafted together with policies on 'Redeployment' and 'Redundancy'. When undertaking a restructuring it is important all three documents are referred to and understood because a restructuring may result in redeployment and/or redundancy.

3.0 Restructuring Procedure

The relevant Head of Department / Divisional Commander will produce in consultation with Human Resources Department and the Finance Department a detailed business case. Hereafter this is referred to as the proposal.

The proposal will include :

- Business case including reasons for the proposed change.
- Structure chart.
- Role profiles for posts (including grades). [All posts in a structure must be reviewed for job evaluation purposes prior to the proposal being submitted to the Strategic Establishment Review Group (SERG)].
- Cost of current structure and the proposed structure
- Savings (including a timetable for the delivery of these savings)
- Impact of structural changes and how these will be managed.
- Timetable for consultation.
- Timetable for implementation.

3.1 A proposal must be approved by Strategic Establishment Review Group (SERG) prior to the formal consultation period commencing.

Where SERG determines there is a need a proposal will also be submitted to Chief Officer Group (COG) for approval prior to the formal consultation.

- 3.2 The detailed process to be followed for implementing a revised structure is shown at **Appendix A**.
- 3.3 The relevant Head of Department / Divisional Commander is responsible for implementing the proposed changes with the support of Human Resources.

4.0 Consultation

- 4.1 Formal consultation will take place with Trade Union representatives and staff when the proposal is available from the relevant Head of Department / Divisional Commander. This will be at the first opportunity following approval by the Strategic Establishment Review Group (SERG), potentially Chief Officer Group (COG) and before the final decisions are made. The consultation process will be managed and facilitated by Human Resources.
- 4.2 Importantly consultation is about seeking, considering and taking account of views of employees before decisions are made. The proposal does not therefore necessarily represent the final consulted document.
- 4.3 The force commits to formally consulting with the recognised Trade Union in a timely manner and providing sufficient information on the proposal so that they can provide an informed opinion on the proposed changes.
- 4.4 The recognised Trade Union has the right to express their views and discuss the proposal with the relevant Head of Department / Divisional Commander. This will include details of the matching and slotting / prior consideration process to be implemented for a particular restructure.
- 4.5 The formal consultation period begins when the recognised Trade Union and affected employees meet to discuss the proposal with management. Collective consultation on the potential for redundancies also commences at this point. (refer to redundancy policy for full details).
- 4.6 If less than 99 employees are affected by a restructure the consultation period will be at least 30 days. If more than 99 employees are affected by a restructure the consultation period will be at least 90 days.
- 4.7 Individual employees will also be consulted in respect of their own particular circumstances.
- 4.8 If the relevant Head of Department / Divisional Commander wishes to revise the proposal as a consequence of the consultation process the revised proposal must be resubmitted to SERG for consideration and approval. If this occurs the consultation period does not normally begin again it is part of the overall consultation period.
- 4.9 Having completed the consultation process the changes will be effective from the implementation date specified in the original business case to SERG, any delay in implementation must be with prior approval of SERG. It is therefore important that all business cases for restructure submitted to SERG have realistic timelines for implementation.

5.0 Matching/Slotting

- 5.1 Implementation of a revised structure will commence with a matching/ slotting exercise. This exercise will determine which posts can be appointed to without a competitive process.
- 5.2 Decisions regarding matching/slotting and subsequently appointing employees to posts will be taken by a panel. The panel will consist of departmental manager(s) where appropriate and a representative of Human Resources. A nominated trade union representative may scrutinise the process.

- 5.3 Matching and slotting of employees to posts will start at the top of a structure (the highest graded posts) and together with the 'prior consideration process' (described in paragraph 6 below) will be used to appoint employees to posts in the revised structure one grade/level at a time.
- 5.4 **The matching and slotting process cannot be used to appoint to higher graded posts.**
- 5.5 To appoint an employee to a post in the new restructure without a competitive process i.e. matching and slotting, the panel (referred to in paragraph 5.2 above) must evidence the following four criteria all apply when comparing the employees substantive post with a post in the revised structure:
- (i) Where there is one match for a unique post or where the number of employees matching does not exceed the number of posts, **AND**
 - (ii) Where the current duties and responsibilities of employees are "near equivalent" to a post in the revised structure, **AND**
 - (iii) Who are appropriately qualified (either formally or by experience). Measured against the 'Essential Attainments' for the role (as described in the role profile).
 - (iv) Salary grade of a post in the revised structure is the same or a maximum of 2 grades below the employee's substantive grade.
- 5.6 "Near equivalent" is determined by comparing the role profile of an employee's current post with posts in the revised structure. To be regarded as "near equivalent" there must be 70% or more commonality comparing 'main duties and responsibilities' of current and new posts.
- 5.7 In summary for employees to be appointed to a post in a new restructure the following must all apply:
- The post in the new structure is the same or a maximum of 2 grades below the employee's substantive grade.
 - The duties and responsibilities of the new post are substantially the same and the employee's current post.
 - The employee has the essential qualifications, skills, knowledge and experience required for the new post.
 - The number of employees who meet these criteria is the same or less than the number of posts available.
- 5.8 Appointments made by matching and slotting will be reported to the Strategic Establishment Review Group (SERG).

6.0 Prior Consideration

- 6.1 If through the matching and slotting process it is identified there is more than one match for a unique post or the number of employees regarded as "near equivalent" exceeds the number of posts those whose substantive grade is the same as the post in the new structure will be 'ring fenced' and given prior consideration for the post(s) in question.
- 6.2 In summary for employees to be 'ring fenced' and given prior consideration for a post(s) the following must all apply:
- The post in the new structure is the same grade as the employee's substantive grade.
 - The duties and responsibilities of the new post are substantially the same and the employee's current post.
 - The employee has the essential qualifications, skills, knowledge and experience required for the new post.

- The number of employees who meet these criteria is greater than the number of posts available.

- 6.3 Selection for the post(s) will involve an objective assessment of staff against the essential requirements of the post (as described in the role profile). This selection will in most cases include a competency based interview.
- 6.4 A record of selection criteria used and the candidate marking will be kept.
- 6.5 Appointments made by prior consideration will be reported to the Strategic Establishment Review Group (SERG).
- 6.6 If employees are 'ring fenced' and given prior consideration for a post(s) it is because the number of employees regarded as "near equivalent" exceeds the number of posts available. There are therefore insufficient posts for all 'ring fenced' employees and as a consequence the force must regard all employees at this stage of the process as being at risk of redundancy. (Refer to paragraph 8 below and the redundancy and redeployment policies for full details of the process to be followed).

7.0 Review of Decisions

- 7.1 If an employee disagrees with a decision on whether they should have been 'matched and slotted' or given 'prior consideration' for a particular post they can request the decision be reviewed. This is the only opportunity for decisions to be reviewed.
- 7.2 The request must be submitted in writing to the Head of Human Resources, within 7 calendar days of being notified of the decision, stating the grounds for review.
- 7.3 A review can be requested only on 2 grounds:
1. Unfair or incomplete assessment of suitability – the employee believes the assessment was based on assumptions or inaccurate information.
 2. Failure to follow procedure - the employee believes the matching and slotting process (paragraphs 5 and 6 above) has not been followed.
- 7.4 The outcome of the review will be confirmed to the employee before the process continues.

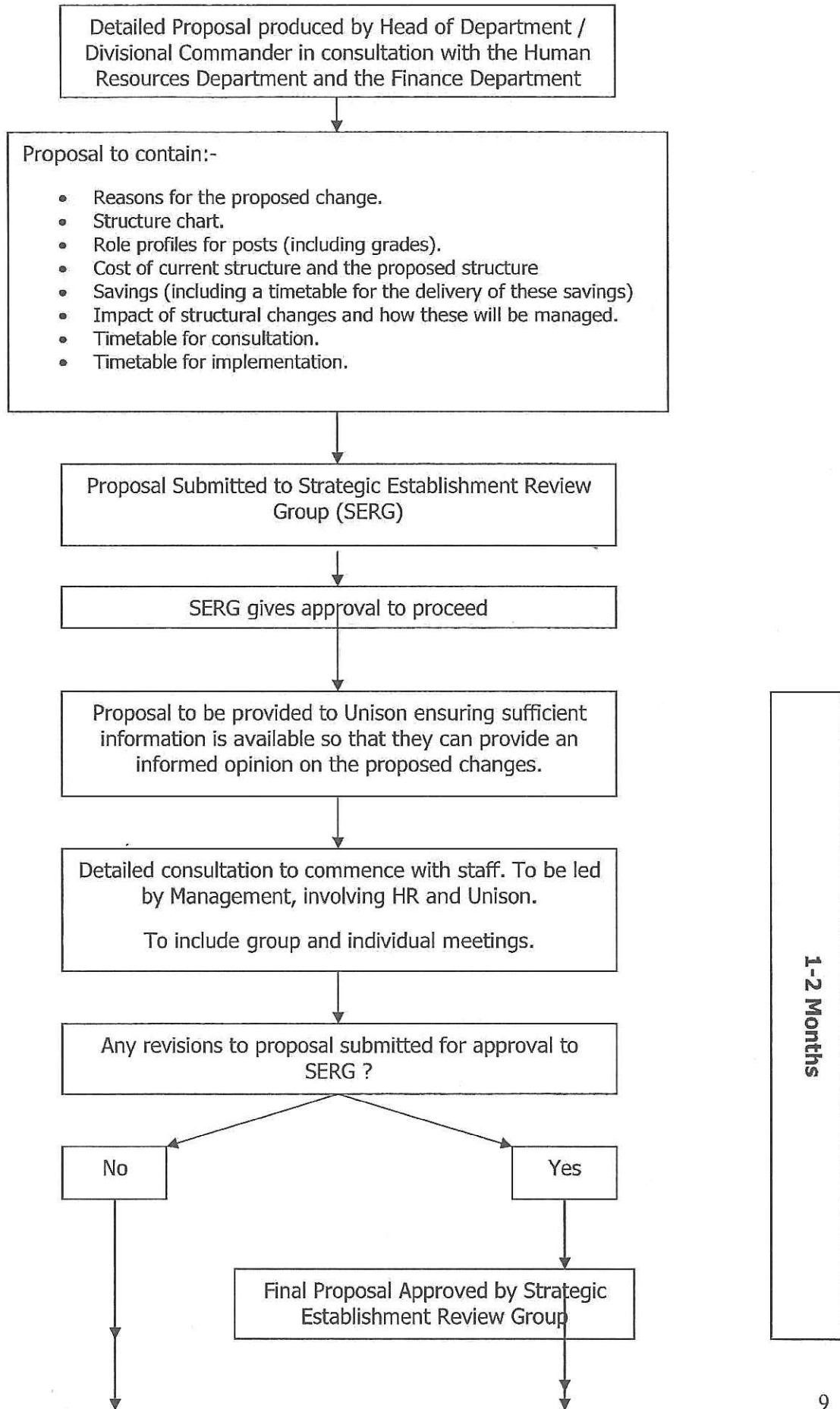
8.0 Grading of Posts/Job Evaluation

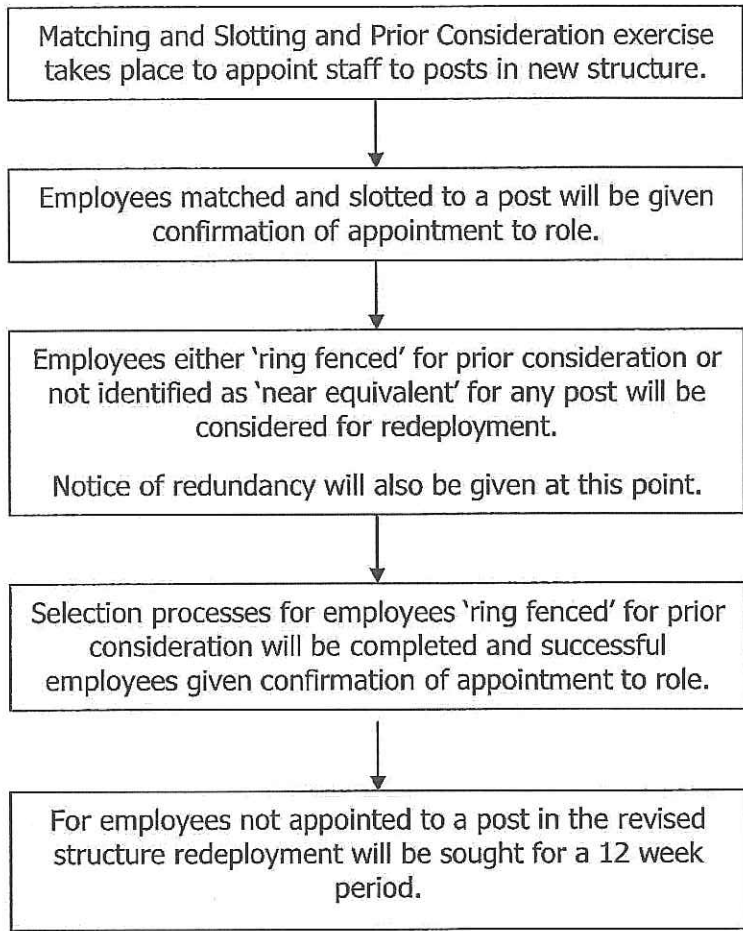
- 8.1 As set out in paragraph 3 all posts in a revised structure will be subject to a job evaluation review to ensure the grade of the post accurately reflects the qualifications, skills, knowledge, and responsibilities required for the post.
- 8.2 Clarification on the requirements for a post may be sought during the consultation process. If the key requirements of the role are identified as not being accurately reflected in the role profile or the requirements of a role are revised the role profile should be amended.
- 8.3 If a role profile is amended as part of the consultation process a job evaluation review should be undertaken again to ensure the continued accuracy of the grade of the post.
- 8.4 An appeal against the salary grade of a post may only be initiated by the post holder. In the context of a restructuring process an appeal from an employee appointed to a post will only be considered when an employee has been in post for 6 months or more.
- 8.5 The appeal process will require submission of evidence by the appellant.

9.0 Redeployment/Redundancy

- 9.1 Employees will be notified of being at risk of redundancy if identified in a 'prior consideration' group (as described in paragraph 6.2 above). If unsuccessful in obtaining a post through the prior consideration selection process employees will be notified of being provisionally selected for redundancy.
- 9.2 Employees not identified as 'near equivalent' to any post in the revised structure will be notified of being provisionally selected for redundancy.
- 9.3 In these circumstances the force will endeavour to identify suitable alternative employment for staff via the force redeployment process (refer to the redeployment and redundancy policies for full details of these mechanisms).
- 9.4 Matching/slotting and prior consideration processes may also result in vacant posts not being filled. If this is the case the force will look to fill the vacant posts through the redeployment process in the first instance.

Restructuring Model





1 Month