

# Redundancy

## POLICY & PROCEDURE

**OFFICIAL**

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|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Publication Scheme</b>      | <i>Policy section:</i> <b>OFFICIAL - Force website approved.</b><br><i>Procedure section:</i> <b>OFFICIAL - Force website approved</b>                                                                                                                                                                          |
| <b>Department of Origin</b>    | People Services                                                                                                                                                                                                                                                                                                 |
| <b>Policy Holder</b>           | Head of People Operations & Service Delivery (PO&SD)                                                                                                                                                                                                                                                            |
| <b>Policy Author</b>           | HR Manager Policy                                                                                                                                                                                                                                                                                               |
| <b>Related Information</b>     | <a href="#">Authorised Professional Practice</a><br><a href="#">Employment in Local Government) (Modification) Order 1999</a><br><a href="#">The Local Government (Early Termination of Employment)</a><br><a href="#">(Discretionary Compensation) (England and Wales)</a><br><a href="#">Regulations 2006</a> |
| <b>This Version</b>            | 1.8                                                                                                                                                                                                                                                                                                             |
| <b>Date Created / Modified</b> | 18/09/2026                                                                                                                                                                                                                                                                                                      |
| <b>Last Approved (SMB)</b>     | February 2008                                                                                                                                                                                                                                                                                                   |
| <b>Review By (3 years)</b>     | 18/09/2029                                                                                                                                                                                                                                                                                                      |

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# Policy

## National Context

[Authorised Professional Practice](#) (APP) is produced by the College of Policing as the official source of professional practice on policing. All officers and staff are expected to have regard to APP in discharging their responsibilities. Essentially, our “policy” is to comply with APP as it develops to cover all areas of policing.

## Rationale

Merseyside Police - values its employees and recognises that their skills, knowledge and experience contribute to the success and effectiveness of the organisation. However, circumstances may arise where changes in organisational requirements may lead to the need for redundancies.

Merseyside Police - wishes to avoid compulsory redundancies and recognises the value of retaining skills and knowledge within the organisation and is committed to the principle of avoiding compulsory redundancy in times of organisational change by considering other measures such as natural wastage, redeployment, voluntary early retirement and voluntary redundancy.

However, where it is not possible to avoid redundancies Merseyside Police - will make redundancy payments, which are in accordance with the statutory provisions and have taken into consideration the discretions, afforded under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006. These are detailed at section 11 within the procedures.

## Aims

Merseyside Police - recognises and accepts its responsibility to provide job security for its employees as far as is possible. In meeting its responsibilities to ensure policing services meet the needs of local communities, however, it may be necessary to consider organisational change resulting in changes to staffing levels.

This policy aims to provide the structure for Merseyside Police - in consultation with the Trades Unions to manage redundancy effectively, minimise the effect of redundancies and ensure that redundancy situations are handled in the fairest and most consistent manner, reflecting the requirements of current legislation and codes of practice.

## Objectives

- To minimise employee relations issues involved in redundancy situations through consultation with Trade Unions and Employee Representatives and individual employees.
- In the fair and consistent application of this policy, to minimise the need for employees to challenge decisions by application to employment tribunal.

## Application and Scope

The policy will apply to police staff in the following circumstances where:

- Their current post is no longer considered necessary or has changed significantly, either following organisational review, implementation of new technology or for operational reasons and all other alternatives have been considered and exhausted.
- Their work location is permanently changed resulting in additional daily travel to work, which is outside the provisions of the contract of employment.
- There is a reduced organisational need for Merseyside Police - to carry out work of a particular kind.

This is not an exhaustive list and will be reviewed to incorporate any legislative changes. Where there is organisational change, such as a reduced need for posts, or permanent changes to work location, appropriate consultation will take place with trade unions prior to implementation.

Where any proposal for a change in organisational structure raises the possibility of redundancies, that proposal will require consultation with the Trade Unions and the approval of the Merseyside Police & Crime Commissioner before the procedure as detailed in this document is implemented.

The operation of the Redundancy Policy will be delegated to the Chief Constable in accordance with the Procedural Standing Orders. However, in all cases where any proposed re-structuring leads to the deletion of posts, the proposal will be subject to the approval of the Merseyside Police & Crime Commissioner and must in all cases be supported by a full impact assessment.

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

## Outcome Evaluation

Outcomes will reflect specific objectives, and the level of success will be measured at regular intervals.

# Procedure

## Version History

| Version Number | Date     | Detailed rational behind amending/updating policy or procedure.                                                                                                                                                        | Policy Owner Details | Policy Author Details |
|----------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|
| 1.2            | 01/10/10 | Minor amendments to format<br>Section 2 - Name change to Department for Business, Innovation and skills<br>Para 4.1 updated to reflect Flexible Retirement criteria<br>Para 5.3 updated to link to Redeployment Policy |                      |                       |
| 1.3            | 01/02/14 | Refreshed to reflect recent organisational change                                                                                                                                                                      |                      |                       |
| 1.4            | 23/06/14 | Para 9.7 added and statutory element at para 11.4 increased from £450 to £464.                                                                                                                                         |                      |                       |
| 1.5            | 17/11/14 | Para 9.7.1 amended to remove last word ("notice") from sentence.                                                                                                                                                       |                      |                       |
| 1.6            | 13/05/15 | Para 9.1.1 replaced and Community First Logo added                                                                                                                                                                     |                      |                       |
| 1.7            | 12/03/26 | V 1.7- Naming conventions only                                                                                                                                                                                         | Head of PO&SD        | HR Manager Policy     |
| 1.8            | 18/09/26 | Amendment to include 2026 statutory element and included reference to redundancy protection legalisation at 7.2.                                                                                                       | Head of PO&SD        | HR Manager            |

## 1. CONSULTATION

- 1.1 Where the possibility of redundancies arises, consultations will take place with the appropriate trade union representatives and where appropriate elected employee representatives of the affected employees with a view to consideration of all the options. Employee representatives may be elected solely for the purpose of consultation about specific redundancies where the affected group of staff are not members of the trade union. Failure to consult could result in a finding of unfair dismissal by an Employment Tribunal. Such consultation will be the responsibility of the Project/Programme Manager with advice and guidance from People Services.
- 1.2 Consultation must include ways of avoiding the dismissals, reducing the number of employees to be dismissed and mitigating the effects of dismissals. Consultation must

be undertaken with a view to reaching agreement with appropriate representatives on these issues. This also applies where the employees to be made redundant have applied for voluntary redundancy. Failure to comply with the consultation requirements would entitle employees and their representatives to claim a protective award of up to 90 days' pay for each employee.

1.3 Consultation must begin in good time and will be completed before any redundancy notices are issued. In addition, consultation must begin:

- At least 30 days before the first dismissal takes effect if 20 – 99 employees are to be made redundant over a period of 90 days or less
- At least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant over a period of 90 days or less.

1.4 The Statement of Change information will be made available in writing to the trade unions by the Project/Programme Manager and will be the subject of consultation:

- The reasons for the proposed changes.
- The numbers and categories of employees who are expected to be affected.  
The total number in each category at each location.  
The proposed method of selecting employees who may be affected.  
The proposed method and timescale of carrying out the redundancies.
- The previously agreed method of calculating any redundancy payments, other than those required by statute.

1.5 In addition to those areas outlined above and in the interests of good industrial relations practice, management may also seek to consult and, where appropriate, negotiate where any changes are necessary in the following areas:

- Confirmation of the current policy on the effect on earnings where downgrading is accepted as an alternative to redundancy
- Confirmation of the current policy arrangements for travel, removal and related expenses, where alternative work is accepted in a different location
- Whether a redundant employee may leave during the notice period, or postpone the date of expiry of notice, without losing any entitlement to a statutory redundancy payment
- Any extension of the length of the 28-day statutory trial period in an alternative post up to a maximum of three months (as detailed in section 8)

Management will consult meaningfully and give serious consideration to alternative proposals.

1.6 There is no specific time limit within which consultation must be completed, and this will depend on the circumstances of each case. Whilst consultation must start at least 30 or 45 days before the redundancy notices take effect, it is not necessary that

consultation should last for all of that time. Further, where consultation has not been completed by the end of the 30 or 45-day period, management should continue the consultation beyond the 30 or 45-day period.

- 1.7 For effective consultation to take place discussions must normally cover ways of reducing the redundancies, or of mitigating their effects. For example, consultation may cover alternative work patterns, job share proposals or the use of voluntary redundancy from the affected group or other parts of the organisation to effect redeployment. It is not necessary for an agreement to be reached for the consultation to be completed, although it is necessary for both parties to have undertaken genuine consultation 'with a view to reaching agreement'. This means that management should be willing to engage actively with the trade unions and employee representatives when discussing alternative options.
- 1.8 The consultative process will not be completed until all the issues have been aired and parties have had a reasonable amount of time to comment on information provided and the proposals or counterproposals which have been made. It is important for management and the trade unions/ employee representatives to show that they have acted reasonably throughout their dealings.

## **2. NOTIFICATION TO THE DEPARTMENT FOR BUSINESS, INNOVATION AND SKILLS (BIS)**

- 2.1 Where it is proposed to dismiss twenty or more employees as redundant within a period of ninety days or less there is a statutory duty to notify the Department for Business, Innovation and Skills. The Department for Business, Innovation and Skills requires information in writing about the proposals. Notification is by letter or by form HR1 to the Redundancy Payments Service (RPS). The notification is effective from the date on which it is received by the Department for Business, Innovation and Skills and must be done within the following timescales:

- If between 20 and 99 employees may be dismissed as redundant at one establishment within a period of ninety days or less - at least thirty days and, in any event, before giving notice to terminate an employee's contract.
- If 100 or more employees may be dismissed as redundant at one establishment within a period of ninety days or less - at least forty-five days and in any event, before giving notice to terminate an employee's contract.

For the purposes of notification to the Department for Business, Innovation and Skills Merseyside Police Force will be considered as one establishment.

- 2.2 These periods are the same as the minimum periods permitted for consultation with trade unions / employee representatives. Where the employer has already notified one group of proposed redundancy dismissals and later finds it necessary to make a further

group redundant it does not have to add the numbers of employees together to calculate the minimum period for either group. There is no obligation to notify redundancies of fewer than twenty employees within a period of 90 days or less, but management should consider doing so in borderline cases - particularly if the numbers involved are uncertain.

### 3. REDUNDANCY NOTICES

- 3.1 Redundancy notices can only be issued when the consultation has been completed. In other words, the consultation has either resulted in agreement with employee representatives or has otherwise reached its conclusion. If consultation has been completed within the 30 or 45-day period, then management may issue the notices at that point. The redundancy notice will provide employees with the appropriate notice of their employment being terminated.
- 3.2 The length of the notice period will be in accordance with the employee's contractual or statutory notice period; whichever is greater **(See table below)**.

The entitlement to a redundancy payment is individual but it may be convenient to give all employees in a group the maximum notice at the same time.

| Continuous Service              | Statutory Notice                               |
|---------------------------------|------------------------------------------------|
| 1 month but less than 2 years   | 1 week                                         |
| 2 years but less than 12 years. | 1 week for each year of continuous employment. |
| 12 years or more                | Not less than 12 weeks                         |

An employee's contract of employment must be examined; however, the table below will act as general guide.

| Grade           | Contractual Period of Notice |
|-----------------|------------------------------|
| Grade A, B to E | 1 month                      |
| Grade F & G     | 2 months                     |
| Grade H & above | 3 months                     |

- 3.3 The termination of employment becomes effective at the completion of the contractual or statutory notice period and not at the time that they have been served upon the employee. Therefore, the date from the beginning of the consultation to when the employee is actually made redundant (if appropriate) must be at least 30 or 45 days, but in some cases it could be longer where the combination of the consultation and the notice exceeds that period as it will be in most cases.
- 3.4 This timetable can be shortened where an employee might have decided to leave early or take voluntary redundancy. For example, employment can be terminated before the

end of the statutory or contractual notice period where an employee has agreed to take a payment in lieu of notice.

#### **4. AVOIDING COMPULSORY REDUNDANCY**

4.1 To avoid compulsory redundancy Merseyside Police - will consider: -

- Natural wastage
- Restrictions on recruitment
- Termination of Agency Staff
- Termination of temporary contract for employees with less than a year's continuous service
- Redeployment and retraining into other appropriate roles in accordance with the police staff Redeployment Policy.
- Seek volunteers provided that the force finds voluntary redundancy acceptable, practicable and cost justifiable
- Offering flexible retirement to those eligible to benefit (aged over 55) and a member of the Local Government Pension Scheme (LGPS)

#### **5. REDUNDANCY SELECTION**

- 5.1 Where the redundancy applies to a particular job held by one or more individuals and all the posts are being made redundant then there will be no need for selection criteria.
- 5.2 Where there are multiple redundancies or a reduction in posts within a group of employees, the "pool" of employees from which the redundancies will be drawn must be defined. This might be one team within an area/department, a group of employees doing the same job usually working to the same or similar job description, or those performing a particular function across a number of areas/departments. Managers must seek advice from the relevant People Partner if the selection pool is not clear.
- 5.3 Where a revised structure is being proposed with fewer posts, which represents the same work as that carried out previously but with a different mix of duties for individual posts, these will be filled in accordance with section 1.1.2 of the [Police Staff Redeployment Policy](#).
- 5.4 Where during the consultation process it has been determined to invite applications for voluntary redundancy in order to create redeployment opportunities, such opportunities will be publicised to appropriate members of staff following consultation with the trades unions. In determining whether such an application for voluntary redundancy will be accepted the ACC People Services will consider all the circumstances including the organisational needs for an effective and efficient service,

the costs involved in redundancy and redeployment, the personal circumstances of the employees concerned and the need to maintain good industrial relations.

## **6. SELECTION CRITERIA**

6.1 The criteria used for redundancy selection must be clear and objective and be based on the future needs of the force. They must be applied fairly and consistently and must not discriminate on the grounds of:

- Gender or gender identity
- Marital status
- Full or part-time employment
- Sexual orientation
- Race, ethnic or national origins
- Faith or religion
- Disability
- Age
- Trade union membership or activity
- Political view or affiliation

### **Examples of redundancy selection criteria**

- Attendance record
- Relevant experience
- Capability and performance
- Relevant qualifications
- Conduct

6.2 The actual selection criteria will be determined for each redundancy exercise following consultation and bearing in mind the scale of the exercise and the reasons for it.

## **7. SUITABLE ALTERNATIVE EMPLOYMENT**

7.1 The Force will make every effort to establish whether there is suitable alternative employment available and offer such employment to the individual(s) concerned. This will be undertaken in accordance with the Police Staff [Redeployment Policy](#) and will be applied once the redundant posts have been identified throughout the subsequent consultation process and during the period of notice. The factors which will be considered in determining whether a particular post is a suitable offer of alternative employment include relevance of an employee's skills, qualifications, abilities and experience to the requirements of the post, the practicality and cost of re-training, location and similarity of salary and other terms and conditions.

- 7.2 If an employee has redundancy protection (for employees who are pregnant or for some new parents) these employees must be offered a suitable alternative vacancy, if there is one. The length of the redundancy protection period depends on either – the type of parental leave the employee is taking or when an employee tells their employer they are pregnant. More information on redundancy protection can be found on [ACAS](#).
- 7.3 It is for the employee to decide whether the alternative work is reasonable, taking into consideration their own particular circumstances and bearing in mind that an unreasonable refusal may result in the loss of a redundancy payment. An unreasonable refusal may arise where the differences between the new and old jobs are negligible, or the employee assumes rather than investigates the changes that a new job might involve. An example may be travelling time or working conditions. Refusal may be deemed reasonable where the new job would cause domestic upheaval, this may be as a result of a considerable change in working hours or a need to move house. In deciding whether to accept an offer of alternative employment, employees should consider all the circumstances, including the likelihood of other employment being available and must do so in conjunction with People Services.
- 7.4 If an employee refuses an offer of alternative employment, which has been determined as suitable by People Services and the refusal is considered to be unreasonable, the employee could forfeit their redundancy payment. The decision to withhold redundancy payment in these circumstances will be made by ACC People Services. Employees will have the right to appeal against this decision in accordance with section 10 of this procedure.
- 7.5 If suitable alternative employment is not available redundancy terms will apply as detailed in section 11 of this policy.

## **8. TRIAL PERIOD**

- 8.1 Where an employee takes up an offer of alternative employment they have a statutory right to a trial period of 4 weeks. The effect of the trial period is to give the employee a chance to decide whether the new job is suitable and for the employer to assess the employee's suitability for the role.
- 8.2 The four-week trial period can be extended by mutual agreement to a maximum of three months for retraining purposes or if there are other justifiable and reasonable reasons to do so.
- 8.3 If the employee works beyond the end of the four-week period or the jointly agreed extended period any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment.

- 8.4 If at the end of the trial period the alternative employment is deemed unsuitable then the employee will preserve their right to a redundancy payment under their old contract. Where the employer does not consider the trial period to be successful and therefore confirms redundancy and the employee holds a different view then the employee will be able to use the appeals mechanism in accordance with section 10 of this procedure. Alternatively, if during the trial period the employee considers the - post to be unsuitable and employer does not agree the employer may withhold the redundancy payment in accordance with paragraph 7.3 of this procedure and the employee may use the appeals mechanism set out in section 10 of this procedure.

## **9. EMPLOYEE SUPPORT AND ADVICE**

### **9.1 Time off for job search and attending interviews.**

- 9.1.1 Employees who are under notice of redundancy, irrespective of whether they have two years' service, can request reasonable time off during the notice period to look for another job, and to arrange training. Up to a maximum of one day a week within the notice period is allowed if required, however this is not a formal allocation. Individuals should give managers a reasonable amount of notice where time off is requested for these purposes.

### **9.2 Welfare Counselling**

- 9.2.1 Counselling is available through the Force Occupational Health Unit. Specialist counselling, for example covering the financial effects of redundancy, may be made available where it is required and not available within force.

### **9.3 Additional Support**

- 9.3.1 Support in the development of CV's, completion of application forms, retraining and interview techniques will be made available to all employees under notice of redundancy. Staff will also be given reasonable access to Internet web sites providing information about job vacancies outside of Merseyside Police. People Services will advise on the support available.
- 9.3.2 Where there are substantial numbers to be made redundant or where the reductions are in a particular function, consideration will also be given to the use of external outplacement and consultancy services.

### **9.4 Capability**

- 9.4 Applications for voluntary redundancy/voluntary early retirement may not be considered if an employee is subject of formal action on the grounds of incapability. Any such application will be deferred until the outcome of the formal action is known.

**9.5 Discipline**

- 9.5.1 If an employee who is under notice of redundancy is dismissed, due to a reason unconnected with redundancy, the employee may lose their entitlement to a redundancy payment
- 9.5.2 Applications for voluntary redundancy/voluntary early retirement will not be considered if an employee is subject of a misconduct investigation. Any such application will be deferred until the outcome of the investigation/disciplinary hearing is known.

**9.6 Pre - Retirement Leave**

- 9.6.1 Applications for pre-retirement leave will not be considered once an application for voluntary redundancy/voluntary early retirement has been approved.

**9.7 Re-engagement after Redundancy**

- 9.7.1 If an employee has opted for voluntary redundancy/voluntary early retirement then they will be ineligible to apply for roles which are advertised externally for a period of one year from the date of their termination.
- 9.7.2 This does not apply to staff who are made compulsory redundant.

**10. RIGHT OF APPEAL**

- 10.1 The employee has a right of appeal where they feel the redundancy is unjustified or that the selection for redundancy is unfair. Only employees who have received formal notice may exercise this right.
- 10.2 Notice of the appeal can be given at any time during the redundancy notice period but must be made not later than 7 days after the effective date of termination and should be sent to the ACC People Services.
- 10.3 The appeal hearing will be undertaken by the Director of Resources and should take place within 1 month of the appeal being lodged. The redundancy notice will not be suspended during the appeal process but shall be revoked if the appeal is successful. In circumstances where it is not possible for an appeal hearing to be heard during the redundancy notice period, then the redundancy notice period will be extended to accommodate the appeal hearing except where the termination has already occurred.
- 10.4 At the discretion of the Director of Resources with the agreement of the employees concerned, appeals may be heard collectively. Employees may be accompanied by a trade union representative or fellow employee at appeal hearings.

- 10.5 The Director of Resources may defer the hearing of the appeal following a request from the employee to allow them to consider redeployment options.
- 10.6 Employees may also have a right to complain to an Employment Tribunal.
- 10.7 In order to avoid hardship, redundancy and/or pension payments will not be withheld pending the outcome of an appeal. However, in the event of an appeal resulting in reinstatement in employment, recipients of such payments will be required to reimburse Merseyside Police or Pension Fund immediately upon reinstatement.

## 11. REDUNDANCY PAYMENTS

- 11.1 In order to receive a redundancy payment, individuals must have completed 2 years of continuous service. Previous continuous employment with an organisation(s) covered by the Redundancy Payments (Local Government) (Modification) Orders will be included in calculating entitlement to redundancy pay.
- 11.2 Under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, local authorities have the power to calculate redundancy payments on an actual week's pay and are able to pay an enhanced severance payment of up to 104 weeks' pay (including the statutory redundancy pay) to an eligible employee.
- 11.3 Merseyside Police has agreed to exercise this discretion and enhanced the redundancy payment made to Police Staff, by multiplying the total number of weeks under the statutory formula by 2 (two) thereby giving a maximum severance payment of 60 weeks.
- 11.4 Benefits vary according to an employee's age and length of service:
- **Below age 55:** Staff who are made redundant and who are below the age of 55 at the time of release from service are entitled to an immediate redundancy payment but not to early payment of pension. Any pension entitlement is frozen until retirement age or it may be transferred to a new employer.
  - The redundancy payment shall take the form of a lump sum and is tax free up to £30,000. The statutory redundancy payment is based on age and length of service (to a maximum of 20 years) as follows:
    - Up to the age of 21 - 0.5 weeks' pay for each year of service at that age
    - 22 – 40 years of age - 1 week's pay for each year of service at that age
    - 41 + years of age - 1.5 week's pay for each year of service at that age
  - Merseyside Police - has agreed to exercise its discretion to enhance the redundancy payment by multiplying the total number of weeks under the statutory formula by 2 (two).
    - This payment will be inclusive of the statutory payment as per **11.2** above.

- A week's pay is that which the employee is entitled to under his or her terms of the contract at the **calculation date**. Therefore, shift allowance or weekend enhancements, where payable, will form part of a week's pay. As the employee's actual pay is used in the calculation of redundancy pay the maximum statutory limit (£751.00 per week as at 6<sup>th</sup> April 2026) will be ignored as per **11.2** above. *(Annual increases for statutory rates for redundancy pay will be implemented on 6 April)*
  - The **calculation date** is the date on which the notice of termination of employment is given. Where the pay varies the amount of the week's pay is averaged over the 12 weeks prior to the **calculation date**.
  - **Age 55 or above:** Staff who are made redundant and are 55 years of age or above at the time of release from service are also entitled to a redundancy payment calculated as above. They are also entitled to an immediate payment of pension and lump sum if they are a member of the local government pension scheme.
- 11.5 There is no eligibility for a redundancy payment where the employee takes up alternative employment within 28 days of the date of termination with an employer who is covered under the Redundancy Payments (Modification) Order. Details of these employers can be sought from People Services.