

DURHAM CONSTABULARY



Altogether Better Policing

Voluntary Exit Policy

Application	Police Officers
Policy Owner	Human Resources
Version	5
Date of PUG approval	27.07.15
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Next Review Date	14.02.23
Protective Marking	Official
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Durham Constabulary Freedom of Information Act Publication Scheme	



1.0 VOLUNTARY EXIT POLICY

2.0 PURPOSE AND SCOPE

- 2.1 The purpose of this policy is to provide Durham Constabulary with the option of utilising voluntary exit to manage the size of the workforce.

3.0 THE LEGAL BASIS AND LEGITIMATE AIMS

- 3.1 Durham Constabulary is required to comply with the requirements of the:
- Police (Amendment) Regulations 2012 (voluntary exits)
 - Police Pensions(Amendment) Regulations 2012 (voluntary exists)
 - Amendment to Determinations (voluntary exits)
 - Police (Conduct) (Amendment) Regulations 2014
 - Equality Act 2010
- 3.2 Throughout the operation of this policy Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionally to achieve the proposed purpose.
- 3.3 Durham Constabulary will operate within the policing principles as defined by the College of Policing Code of Ethics and in support of this our policies will seek to promote Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect and Selflessness.
- 3.4 The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying, harassment, victimisation and other unfair treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, sex and sexual orientation.
- 3.5 The legitimate aim of this policy is to outline measures and actions which will assist with the efficient running of the Force in times of austerity, support resilience, allow for succession planning and ensure the Force has a relevant skills mix.

4.0 POLICY STATEMENT

- 4.1 Durham Constabulary is committed to adopting a more flexible approach to Police Officers who seek to leave the Force for reasons other than retirement and recognises the benefits it can have for both individuals and the Force as a whole.
- 4.2 A voluntary exit policy allows officers who have not reached their pension age to leave the Force with a compensatory lump sum and a deferred pension.
- 4.3 The Chief Constable and Police, Crime and Victims Commissioner (PCVC) for Durham have agreed that a voluntary exit policy should be available for targeted use and will ensure that appropriate consultation takes place with staff associations prior to opening the arrangement.

5.0 PRINCIPLES

- 5.1 The voluntary exit policy is a voluntary process for both the Constabulary and any Police Officer who may consider applying for such; however the decision to release an individual under the policy will be made by the Force Executive and not the individual.
- 5.2 Police Officers who are eligible to apply under the voluntary exit policy will have the option of determining whether the terms of any offer made are suitable and whether to progress their application. When consideration is being given to voluntary exit, estimates of the potential benefits for the Officer will be obtained in confidence and without prejudice.

The estimate will be provided by the Finance Department via HR.

5.3 Pension Age

For the purposes of the voluntary exit policy, the pension age is the age at which the Officer would be eligible to receive their pension assuming that they leave the service on the agreed date for voluntary exit.

5.4 Pay

Pay will normally be determined as the full time rate of pensionable pay at the last day of service.

If the Force approves Officers currently not receiving pay to be eligible for voluntary exit – e.g. if they are on a career break or longer term sick leave – then the compensation payment should be calculated on the basis of the pay they would have been entitled to had the period of unpaid leave not been taken (in much the same way as average pensionable pay is calculated).

5.5 **Reckonable Service**

Reckonable service includes all service except unpaid leave.

6.0 **FORCE UNDERTAKING**

6.1 The Force Executive will:

- Determine whether and when to open the voluntary exit policy. Officers will only be able to apply when the Force invites applications for such, which may be in general or specific circumstances to meet workforce planning requirements; current and future resource requirements and any financial considerations as deemed appropriate by the Assistant Chief Officer (ACO) at the time.
- Decide on the terms and conditions of the policies implementation with reference to Force policing needs alongside consideration of current and future resourcing and budgetary requirements.
- Determine whether to allow applications for voluntary exit from Officers at all ranks or to limit it to specific ranks due to organisational needs.
- Ensure appropriate communication at the time the policy is to be opened for applications which will include relevant details and how the policy will be implemented.
- Demonstrate clear and transparent objectives for the voluntary exit policy and demonstrate a selection process which will comply with equality and employment legislation.

7.0 **EXCLUSIONS AND ELIGIBILITY**

7.1 The policy applies to Police Officers (within the scope set by the Executive) with at least two years but less than full pensionable service, subject to the below exclusions.

7.2 **Exclusions**

7.2.1 Generally, Officers cannot make an application to leave the Force under this policy if any of the below criteria applies. Where these circumstances exist, the Force Executive when reviewing applications will consider the Code of Ethics and outstanding complaint history:

- Subject to any ongoing misconduct investigation;
- Subject to a public complaint that has not been resolved;
- Found guilty of gross misconduct in the previous 12 months;
- Subject to a 'live' Written Improvement Notice (WIN); or

- Those who have reached stage 3 under unsatisfactory performance procedures (UPP) in the previous 12 months before the voluntary process is initiated
- In the position of having attained full pensionable service and who could retire
- Where an officer has already submitted their resignation.

8.0 SELECTION PROCESS

- 8.1 In accordance with this procedure, eligible officers will be invited to apply for consideration under the voluntary exit policy when such is opened by the Force Executive. The Force Executive may target the selection criteria in order to address organisational issues including ranks, location or specialisations.

This does not imply any commitment by the Force that applications will be approved.

Please see application flow chart at appendix A

8.2 Selection Pool

- 8.2.1 If the pool of Officers applying to leave the Force under the voluntary exit policy exceeds the number of Officers required to leave, a selection criteria matrix will be applied. After the selection criteria has been applied those individuals selected will be reviewed in accordance with paragraph 11.

8.3 Selection Matrix

- 8.3.1. An appropriate selection matrix will be determined having regard to the prevailing exigencies of the service at the time the process is opened.
- 8.3.2 The scoring of certain factors may be weighted to ensure that the Force's needs are met in consultation with the appropriate staff associations
- 8.3.3 The following may be considered in determining the selection/de-selection criterion:
- Organisational structure charts showing both the position before and after the early exit policy;
 - Number of Officers directly affected by the proposal identified by factors, such as, rank, location and skills/competencies;
 - An explanation as to why the position that is expected could not be achieved through natural wastage and limiting/ceasing recruitment activity in the required timeline; and
 - Conduct and performance.
 - Financial Impact upon the Force against the potential savings to be made
 - Adverse impact on business in specific areas at the time

8.4 **Part Time Working**

- 8.4.1 For the calculation for part time Officers' compensation, length of service would be based on actual hours worked and pay would be the full time equivalent salary
- 8.4.2 The maximum compensation that an Officer who has worked part time in the last three years could receive would be scaled back relative to the maximum for a full time Officer, taking into account the reckonable service of the part time Officer. This is to ensure that part time Officers do not receive disproportionately more than full time Officers.

8.5 **Compensation Lump Sums**

- 8.5.1 The amount the lump sum payable is equal to:

For Officers	Three weeks basic pay multiplied by the length of reckonable service up to a maximum of
Below pension age	18 months, but subject to a maximum level high pay threshold
Above pension age but less than 30 years pensionable service	6 month's pay but subject to a maximum level high pay threshold (approximately £148,000).
It should be noted that 'tapering' provisions apply for officers approaching their pension age, which limits the payment that can be made. Further information on how this will affect officers in this category will be provided after the application is submitted.	

9.0 **RE-EMPLOYMENT IN THE POLICE SERVICE**

- 9.1 Any compensation payment made under the voluntary exit policy will be required to be repaid in line with police pension regulations on a pro-rata basis if the Officer is subsequently re-engaged in a paid role within the Police Service (whether that be as a Police Officer or otherwise) within the lesser of:
- six months; and
 - the notional period of the compensation payment
- 9.2 The tapering of the repayment of compensation is available from Pay and Pensions and individuals are encouraged to seek appropriate advice and guidance on such.

10.0 EARLY ACCESS TO PENSION

10.1 Officers who have:

- Over two years' service; and
- Are over 50 years old and have more than 25 years' service will be eligible to immediate access to their pension.
- All Officers who do not qualify for immediate access to their pension as above can elect to take their deferred pension.

11.0 APPROVAL OR NON APPROVAL

- 11.1 Having assessed all the applications the ACO will make the decision whether to approve the application in consultation with the Head of People, Standards and Development (PSD) and the Heads of Command
- 11.2 An approved application under the voluntary exit policy may be withdrawn either by the Officer or the Force Executive up to the point of the settlement agreement being signed by both parties. The agreement can be withdrawn by the Force if any conduct or UPP issues arise during the application process or notice period.
- 11.3 The Force Executive may decide that for some other substantial reason, it would not be in the best interests to allow an Officer to leave.

12.0 REPRESENTATION

- 12.1 In accordance with normal Force practice, Officers will have the right to be accompanied to any meetings or discussions with a colleague or Federation/ Superintendents' Association Representative, as appropriate.

13.0 NOTICE PERIOD

- 13.1 Exits under the policy will be subject to three months' notice. A shorter period may be appropriate with the agreement of both the Force and the applicant.

The notice period will commence from the date the Officer signs the agreement to leave.

14.0 OUTSTANDING LEAVE, TIME OFF IN LIEU (TOIL) AND REST DAYS IN LIEU (RDIL)

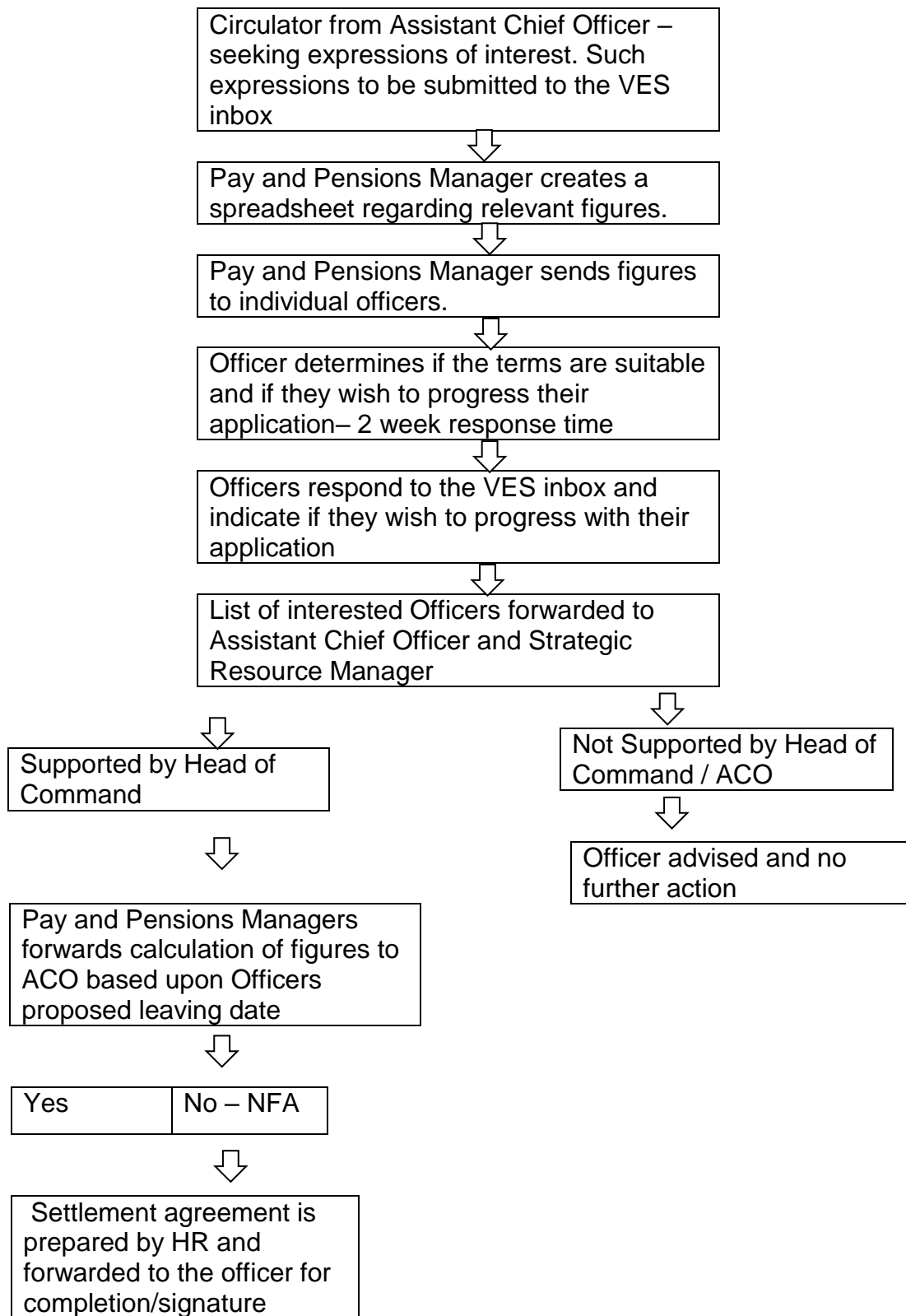
- 14.1 The notice period must be used to clear any outstanding annual leave, TOIL or RDIL.

15.0 APPEALS PROCEDURE

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this period not be achievable the individual will be notified in writing when a decision will be communicated.

The Deputy Chief Constable
c/o Human Resources
Police Headquarters
Aykley Heads
Durham
DH1 5TT
Email human.resources@durham.pnn.police.uk

APPENDIX A

VOLUNTARY EXIT POLICY FOR POLICE OFFICERS

Officer meets with their chosen solicitor and Force pays £350 - solicitor returns signed agreement to HR together with invoice for payment (invoice forwarded to Accounts dept for payment)



Letter prepared by HR regarding leaving date forwarded to officer and all subsequent leavers documentation compiled and circulated as appropriate

EQUALITY IMPACT ASSESSMENT (EIA)**VOLUNTARY EXIT - POLICY**

An equality impact assessment (EIA) form **must** be completed by the Policy/Function lead when developing or reviewing policies or procedures which may impact on the way the Force conducts its business (both internally and externally) and must show that when making decisions we:-

- Give due regard to the impact it will have on protected groups
- Undertake an assessment **prior to** any decisions around policies/procedures being ratified to identify what potential impact has been found and subsequent action taken, and
- Provide an audit trail of the assessment undertaken which identifies how the policy or procedure is likely to affect protected groups.

The EIA must be completed **before** decisions are made, and remain a live document to be reviewed and continually updated during policy/procedure development or updating

This form is a Tool to document the assessment and should be completed, attached to the relevant policy/procedure document and submitted to the HR User Group or other strategic group for ratification

1) Purpose of the policy. Why do we need it and what will it achieve

Provide the organisation with the option of utilising a voluntary exit policy to manage the size and mix of the workforce.

2) Explain briefly why the Policy/Procedure is being developed or reviewed?

Policy updated to amend the voluntary severance to read voluntary exit policy and the criteria in the compensation lump sum grid amended to months from years. Policy now has a flowchart attached

3) What research/resources have been used or considered in the initial stages of this assessment?**4) Who has been consulted around the potential impact during the development/amendment of the policy/procedure**

All support networks.	Force Executive (AC0)
HR Staff	Independent Advisory Groups (IAG's)
Staff associations	
Legal Services	
Heads of Command	

5) Following assessment of available information, has a positive or adverse impact been identified OR is the initiative equality neutral?

A **Positive Impact** – will actively promote equality of opportunity or improve relations between

one or more groups

An **Adverse impact** – will cause some form of disadvantage or exclusion.

Neutral impact is when there are no notable consequences for any diversity group

Provide details on ALL decisions for ALL the protected characteristic groups below. Specify what actions, if any, will be taken as a result of the assessment, provide any findings and the reason any decisions were reached, and determine what changes may be necessary to either reduce any adverse impact or enhance any beneficial impact.

If an adverse (negative) impact has been identified question 5 must be completed.				
	<u>Positive</u>	<u>Negative</u>	<u>Neutral</u>	<u>Details</u>
Age			X	
Disability			X	
Transitioning from one sex to another (either thinking of, in the process of or have)			X	
Marriage and Civil Partnership			X	
Pregnancy and Maternity			X	
Race			X	
Religion or Faith			X	
Sex			X	
Sexual Orientation			X	
6) If a negative impact has been identified, please provide further details stating what actions need to be undertaken as a result of the section 5). How any negative impact can be justified for this initiative.				

Confirm the above Actions have been incorporated and the EIA is now ready for submission to HR PUG or other Strategic Group.	
Signature...	
Name Sylvia Horsfield	Date 14 th February 2020
7) – Ratify the Policy / Procedure at HR PUG or other Strategic Group	
Meeting/Group:-	HR PUG
Chair of Meeting/Group:-	T/C/Supt Curtis